

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4944 OF 2021

Bharatbai Bhagwanrao Suryawanshi .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Umakant B. Deshmukh, Advocate for the Petitioner.

Mr. P. N. Kutti, AGP for Respondents-State.

Mr. A. B. Kadethankar, Advocate for Respondent Nos. 2 and 5.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 22nd March, 2021.

PER COURT:-

. We have heard Mr. Deshmukh, learned counsel for the petitioner. The learned counsel submits that respondent No. 7 has caste vote from two different villages and the petitioner has lost by one vote. The same materially affected the result of the election. The purity of election is also affected. The election stands vitiated.

2. The election of a returned candidate can be set aside by an election petition. The pros and cons of the voting of respondent No. 7 in two villages will have to be considered by evidence.

3. It would not be possible to consider all these aspects in the present petition.
4. Writ petition, as such, is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.