

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

970 WRIT PETITION NO.2757 OF 2021

PANDURANG NAGOJI KOLHE
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr. Deshmukh Mohit R.
AGP for Respondents State : Mr. P. K. Lakhotiya
Advocate for respondent No.3: Mr. A. B. Kadethankar

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

DATE : 10th February, 2021.

ORDER:

1. Heard Mr. Deshmukh, the learned counsel for the petitioner.
2. The learned counsel submits that the caste claim of the present respondent no.5 was already invalidated when she filed her nomination form. False affidavit was given by respondent no.5 to the effect that her validation proceeding is pending. The petitioner assailed her election before the Collector by filing election petition. The same is not entertained on the ground that he has no jurisdiction to decide the said dispute.
3. The petitioner will be at liberty to assail the said order passed by the collector in an appropriate proceedings.
4. In view of that, we are not inclined to entertain the writ petition at this stage. In case the challenge to the order of the Collector in the proceeding that may be taken up by the petitioner fails then the petitioner is at liberty to invoke jurisdiction of this Court under Article 226 of the Constitution. In that event, all contentions of the parties are kept open.
5. Writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC