IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4606 OF 2020

Yuvraj s/o Fakira Patil Petitioner

Versus

The State of Maharashtra & others Respondents

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Mrs. Alka Shelke More Patil, advocate for the petitioner.
Mr. Suresh Munde, AGP for Respondents No.1 to 4.

CORAM : AVINASH G. GHAROTE, J.

DATED : 29th JUNE, 2021.

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PER COURT :

1 Heard Mrs. More, learned Counsel for the petitioner.

2 The petitioner challenges the concurrent orders of the authorities below rejecting the objection raised to the election of Respondents No.5 and 6, in the Gram Panchayat elections dated 23.03.2014, for Talwade Gram Panchayat on the ground that the Respondents No.5 and 6 did not submit the account of election expenses within a period of thirty days from the date of declaration of the election, which was 24.03.2014. Before proceeding ahead, it is worthwhile to note that the term

of the Gram Panchayat is already over on 23.03.2019, however, the learned Counsel for the petitioner insists to proceed ahead with the present matter.

3 The learned Counsel submits that the entry in the Inward Register of the Gram Panchayat at Sr.No.3265, dated 19.04.2014, which is relied upon by the authorities below to hold that the accounts of the election expenses were submitted by the Respondent No.5 and 6 is a fraudulent entry and the names of Respondents No.5 and 6 have been intentionally inserted there. She submits, that no document in respect of election expenses has been found by the respondents no.1 to 4, in their office, which leads to the conclusion that they were not so submitted and, therefore, on this count, the orders passed by the authorities below were clearly incorrect and were required to be quashed and set aside.

4 Learned AGP Mr.Suresh Munde, appearing for Respondents No.1 to 4, supports the orders passed by the authorities below. None appears for Respondents No.5 and 6, though served.

5 A bare perusal of entry no.3265, indicates the names of respondents no.5 and 6 therein. This entry has been relied upon by the authorities below, to hold that accounts of the election expenses were indeed submitted by Respondents No.5 and 6. The order of the Collector dated 05.10.2019 takes into account the report by the Tahsildar, Amalner dated 10.12.2018 which, except for stating that the accounts were not submitted, does not dilate upon the aforesaid entry. That apart, what weighed with the authorities below and in my opinion, rightly so, was that the result of the election was declared on 24.03.2014 and in spite of passage of more than four years from the said date, the Tahsildar, Amalner, had not issued any communication or notice whatsoever, to the Respondents No.5 and 6, alleging that the accounts for the election expenses were not submitted, nor had he initiated any proceedings in that regard nor any communication to this effect was addressed and made by him to the election commission. The delay of four years, according to the authorities below, was telling and, therefore, in absence of any consideration of the entry no.3265 in the Inward Register by the Tahsildar himself, they came to the conclusion that the entry was reliable. The contention of the learned Counsel for the petitioner, that the entries were

inserted, is something which cannot be decided without evidence being led on the issue, which, in the proceedings before the authorities below, is clearly absent. The reliance, therefore, upon the above entry, is not unjustified. That apart, the petitioner is now flogging a dead horse.

6 For the reasons stated above, I do not find any merit in the petition and the same is, therefore, dismissed with no order as to costs.

(AVINASH G. GHAROTE)
JUDGE

vsm/-