

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.13260 OF 2021
IN WP/12999/2021

SAYYAD MUSSA SAYYAD GAFUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. S.S. Thombre h/f. Mr. Karad Murlidhar S.
AGP for Respondent/State: Mr. P.N. Kutti
...

CORAM : MANGESH S. PATIL, J.

DATE : 09.12.2021

PER COURT :

Heard.

2. The learned advocate Mr. S.S. Thombre by way of this Civil Application is seeking stay to the operation of the order under challenge in the Writ Petition, even without there being any interim relief granted on the first date i.e. 01.12.2021 whereby notices were directed to be issued and even when those are still to be served.

3. By the order under challenge, the petitioner's nomination has been rejected on the ground of he having incurred disqualification under Section 14 (1) (j-3) of the Maharashtra Village Panchayat Act, 1958.

4. It transpires during the course of argument that the election program has already been declared and today is the date for withdrawal of the nomination.

5. In view of the full bench decision in the case of **Karmaveer**

Tulshiram Autade and Ors. Vs. The State Election Commission Mumbai and Ors.; 2021 (2) Mh.L.J. 349, it is indeed doubtful if this Court can even entertain the Writ Petition under Section 226 of the Constitution of India much less the Civil Application seeking to interrupt the process of election.

6. The Civil Application is rejected.

(MANGESH S. PATIL, J.)

habeeb