

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.107/2021

Mrs. Manjusha w/o Wasudeo Nehare .Vs. Returning Officer for election of Gram
Panchayat Naigaon cum Tahsildar, Babhulgaon

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. P. J. Mehta, Advocate for petitioner.
Mrs. M. A. Barabdhe, A.G.P. for respondent.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 4, 2021

Heard Mr. Mehta, learned counsel for petitioner
and Mrs. Barabdhe, learned A.G.P. for respondent.

By this writ petition, the petitioner is challenging
order dated 31.12.2020 passed by respondent no.1, rejecting
his nomination papers to contest election from Gram
Panchayat, Chalbardi, Tq. Kelapur, Dist.Yavatmal.The
petitioner then approached this Court and this Court (Coram:
Manish Pitale, J.) on 04.01.2021, while issuing notices to the
respondent, granted interim relief in favour of the petitioner.
In view of the interim relief, the petitioner was permitted to
contest election of Gram Panchayat. As per the submission of
learned counsel for the petitioner, the petitioner got elected.

Though interim relief was granted by this Court, it
was subject to the result of this petition.

Mrs. Barabdhe, learned A.G.P. for the respondent,
submitted that in view of the law laid down by Full Bench of
this Court in Writ Petition (ST). No. 26/2021, Karmaveer
Tulshiram Autade and Ors. vs. The State Election Commission,
Mumbai and ors.; decided on 13.01.2021, writ petition

challenging rejection of nomination papers is not maintainable. In view of the said law, this writ petition is not tenable. Though, the petitioner contested the election and got elected in view of the interim order dated 04.01.2021, it was specifically observed by this Court that interim order shall be subject to outcome of this writ petition.

Hence, the writ petition is dismissed as not maintainable. Since writ petition is not maintainable, interim order dated 04.01.2021 stands vacated and its consequences to follow.

JUDGE

kahale