

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

WRIT PETITION NO.63/2021

Sau. Sandhya w/o Dilip Ade .vs. The Returning Officer/Tahsildar to the Electino
of Gram Panchayat, Belora Bk and anr.

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

Court's or Judge's orders.

Mr. I. M. Ghongade, Advocate for petitioner.
Mrs. M. A. Barabdhe, A.G.P. for respondent no.1.
Mr. S. D. Chande, Advocate for respondent no.2.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 10, 2021

Heard Mr. Ghongade, learned counsel for petitioner, Mrs. Barabdhe, learned A.G.P. for respondent no.1 and Mr. Chande, learned counsel for respondent no.2.

By this writ petition, the petitioner is challenging order dated 31.12.2020 passed by respondent no.1, rejecting her nomination papers to contest election from Gram Panchayat, Belora (Bk), Tq. Pusad, 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, in the said election which was held on 15.01.2021, the petitioner was declared elected.

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

Be that as it may, in the meanwhile, Full Bench of this Court Writ Petition (ST). No. 26/2021, Karmaveer

Tulshiram Autade and Ors. vs. The State Election Commission, Mumbai and ors.; decided on 13.01.2021, held that 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