

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

WRIT PETITION NO.70/2021

Ismail Rahemat Shah .vs. Returning Officer/Naib Tahsildar, Akot & anr.

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

Court's or Judge's orders.

Mr. Z. Z. Haq, Advocate for petitioner.
Mr. A. M. Kadukar, A.G.P. for respondent no.1.
Mr. U. J. Deshpande, Advocate for respondent no.2.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 4, 2021

Heard Mr. Haq, learned counsel for petitioner, Mr. Kadukar, learned A.G.P. for respondent no.1 and Mr. Deshpande, learned counsel for respondent no.2.

By this writ petition, the petitioner is challenging order passed by respondent no.1, rejecting his nomination papers to contest election from Gram Panchayat, Mohala, Tq. Akot, Dist. Akola. On 04.01.2021, this Court (Coram: Manish Pitale, J.), while issuing notices to the respondents, granted interim relief in favour of the petitioner. In view of the interim relief, the petitioner was permitted to contest election of the Gram Panchayat.

Today, when this writ petition is taken up for admission, Mr. Haq, learned counsel for petitioner, submitted that though petitioner contested the election, he has lost it in view of the popular mandate.

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, has laid down the law that a writ petition challenging the order of rejection of the nomination papers is not maintainable.

In that view of the matter, the writ petition is not maintainable and it is dismissed accordingly. Needless to mention, consequences of the dismissal of the writ petition to follow.

JUDGE

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