

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

WRIT PETITION NO.3367 OF 2021
WITH
WRIT PETITION NO.3368 OF 2021

WRIT PETITION NO.3367 OF 2021

Sheetal Vijay Gore,
Age 30 years, Occu : Agriculturist,
R/o. At Post Bhatgani,
Tah. Malkapur, Dist. Buldhana. .. Petitioner

.. Versus ..

- 1] The Collector, Buldhana.
- 2] The Tahsildar, Malkapur,
District-Buldhana.
- 3] The Village Panchayat Bhadgani,
through its Secretary, Tah. Malkapur,
District-Buldhana. .. Respondents

WITH

WRIT PETITION NO.3368 OF 2021

Indubai Ashok Khodke,
Age 52 years, Occu : Agriculturist,
R/o. At Post Bhatgani,
Tah. Malkapur, Dist. Buldhana. .. Petitioner

.. Versus ..

- 1] The Collector, Buldhana.
- 2] The Tahsildar, Malkapur,
District-Buldhana.

- 3] The Village Panchayat Bhadgani,
through its Secretary, Tah. Malkapur,
District-Buldhana. .. Respondents

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Shri P.S. Kshirsagar, Advocate for the petitioner,
Ms M.A. Barabde, AGP for the respondents.
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CORAM : N.B. SURYAWANSHI, J.
DATED : 05.10.2021.

COMMON JUDGMENT

1. **Rule.** Rule made returnable forthwith. Heard finally
with the consent of the parties.

2. Since in both these petitions raise similar question of law
and fact, they are decided by this common judgment.

3. The petitioner in Writ Petition No.3667/2021 submitted
her nomination from Ward No.1 and Ward No.2 of Gram Panchayat,
Bhadgani. However, she withdrew her nomination from Ward No.2
on 4.1.2021. She was declared elected from Ward No.1 of the Gram
Panchayat on 20.1.2021. On 25.1.2021 the petitioner submitted
election expenses of Ward No.1 in the office of Returning Officer.

4. The petitioner in Writ Petition No.3668/2021 submitted her nomination from Ward No.1 and Ward No.2. She withdrew her nomination from Ward No.1 and contested the election from Ward No.2. She was declared elected from Ward No.2 on 20.1.2021. She had submitted her election expenses of Ward No.2 on 22.1.2021.

5. The respondent no.1–Collector, by order dated 28.6.2021, disqualified the petitioners as members of Gram Panchayat Bhadgani for not submitting account of election expenses of the ward nos.2 and 1 respectively from which the petitioners had withdrawn their nominations. The disqualification orders are impugned in these petitions.

6. It is not in dispute that the petitioners have within stipulated time submitted the accounts of election expenses in respect of the wards from where they are declared elected.

7. In the affidavit-in-reply filed by the respondent, Order No.4 on Election Expenses, passed by the State Election Commission, Maharashtra, dated 07/09/2021 is placed on record. The relevant portion of the order is as follows :

1. Every person, whose name is included in the 'list of contesting candidates', including the single valid candidate

on any particular seat, shall have to submit the account of election expenses in the time and manner as specified by the Commission. However, candidates who have withdrawn their nominations will not be required to submit the account of elections expenses.

2.”

This order is in continuation of the orders dated 15.10.2016, 25.10.2016 and 2.2.2017.

8. In terms of the above order, the candidates who have withdrawn their nominations are not required to submit the account of election expenses. Therefore, the petitioners, since had withdrawn their nominations from Ward Nos.2 and 1 respectively, they are not required to submit the account of their election expenses for the said wards.

9. In the light of the above order, the impugned orders passed by the Collector thereby disqualifying the petitioners as members of Gram Panchayat, Bhadgani are unsustainable and the same are liable to be quashed and set aside. Hence, the following order :

ORDER

1. Writ Petition No.3667/2021 and Writ Petition No.3668/2021 are allowed.

2. The impugned orders dated 28.6.2021 passed by the respondent no.1 – Collector, Buldhana disqualifying the petitioners as members of Gram Panchayat, Bhadgani, Tahsil - Malkapur, District-Buldhana are hereby quashed and set aside.

Rule is made absolute in the above terms. No costs.

(N.B. Suryawanshi, J.)