

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

WRIT PETITION NO. 3537/2020

(Shri Radheshyam Gopichand Gajbhiye vs. The State of Maharashtra and others)

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

Court's or Judge's order

Mr. G.G. Bade, Advocate for the petitioner
Mr. Neeraj Patil, AGP for respondent no.1
Mr. J.,B. Kasat, Advocate for respondent no.2
Mr A.Y. Kapgate, Advocate for respondent no.7

**CORAM : SUNIL B. SHUKRE &
ANIL L. PANSARE, JJ.**

DATED : 2nd December, 2021.

Heard.

2. This petition challenges the reservation of the Zilla Parishad Election constituency – seat Nagra. Now by way of amendment application, the same reservation having been continued even for the year 2021. However, during the interregnum, the elections to Panchayat Samiti have been declared. As seen from the order of the State Election Commission dated 26th November, 2021, the declaration of the election was from 1st December, 2021 with the online portal having been opened for submission of nomination form was from 1st December, 2021.

The election process has started. Therefore, in view of the bar under Article 243(O) of the Constitution of India and the law settled in that regard by the Constitution Benches of the Hon'ble Supreme Court, in the case of N.P. Ponnuswami vs. The Returning Officer, Namakhal Constituency and others, reported in AIR 1952 SC 64: Mohindsingh Gill & Anr. vs. The Chief Election commissioner New Delhi

and others, reported in (1978) 1 SCC 405 and explained in Election Commission of India: through Secretary vs. Ashok Kumar and others reported in (2000) 8 SCC 216; and also by the full Bench of this Court in the case of Karmaveer Tulshiram Autade and others vs. The State Election Commission Mumbai and others, decided on 13th January, 2021 in Writ Petition (Stamp) No.26/2021, this petition cannot be entertained. The Writ Petition is therefore dismissed as not maintainable.

JUDGE

JUDGE

sahare