

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

WRIT PETITION NO. 5245/2021

Sunanda Santosh Bahekar ...Versus... State Election Commission and ors

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

Court's or Judge's orders

Mr. V.S.Mishra, Advocate for petitioner
Mr. J.B.Kasat, Advocate for Respondent No. 1
Ms. T. Khan, AGP for respondent Nos. 2 and 3

CORAM : AVINASH G. GHAROTE, J.

DATE : 16/12/2021

Heard Mr. Mishra, learned counsel for the petitioner.

The petition challenges the exercise of powers by the Ad-hoc District Judge-1, Gondia, wherein by exercising powers under Section 16 of the Maharashtra Zilla Parishad and Panchayat Samiti Act, 1961, an election petition has been entertained and the order dated 08.12.2021 passed by the Returning Officer rejecting the objection raised to the nomination paper filed by the petitioner has been set aside and the nomination has been declared as invalid by the learned Ad-hoc District Judge-1.

Though Mr. Mishra is correct in contending that an election petition under Section 16 of the said Act could not have been entertained by the learned District Judge, as the same deals only with disqualification and the Maharashtra Zilla Parishad and Panchayat Samiti (Electoral Colleges and Conduct of Elections) Rules, 1962, by virtue of Section 19-A provides an appeal only by a

candidate and not by an objector, in view of which the impugned judgment would clearly be without jurisdiction, however, considering the statement of Mr. Kasat, learned counsel for Respondent No.1, on instructions of Mr. Khadatkar, Assistant Returning Officer, who is present in the Court, that the ballot papers have already been printed and the voting is seated to be held on 21.12.2021, I refrain from interfering in the election process which is at the fag end. It is however made clear that all the grounds raised herein would be permissible to be raised by the petitioner in an Election Petition which the petitioner may chose to file after completion of the election process.

The petition is dismissed.

JUDGE

rvjalit