

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

WRIT PETITION NO. 5313/2021

(Sudhir s/o Madhukar Koret vs. The State Election Commissioner, Mumbai 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. Rohit Joshi, Advocate for the petitioner
Mr. J B Kasat, Advocate for respondent no.1
Mr K.L. Dharmadhikari, AGP for respondent nos.2 and 3

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

DATED : 15th December, 2021.

Heard Mr. Rohit Joshi, learned counsel for the petitioner;
Mr J B Kasat, learned counsel for the respondent no.1 and Mr. K.L.
Dharmadhikari, learned Assistant Government Pleader for respondent
nos. 2 and 3.

2. According to Shri Kasat, this petition is not maintainable
as the nomination of the petitioner has been allowed to be withdrawn
and, therefore, there is a specific bar under Article 243-ZG of the
Constitution of India for entertaining the writ petition under Article
226 of the Constitution of India.

3. We would not like to deal with the objection as regards
the maintainability of this petition as, on merits of the matter, we find
that no interference with the impugned order of the Returning officer is
warranted. The reason being that in the application submitted by the
petitioner making a request for grant of permission to withdraw one out
of two nomination forms already accepted by the Returning officer, the
petitioner failed to clarify as to which of his nominations he was

interested to withdraw. The petitioner, however, did not clarify this aspect and made a blanket request for grant of permission to withdraw his nomination and the permission was granted. The result for such permission was withdrawal of both the nomination forms submitted by the petitioner. The fault in the present case, lay at the door of the petitioner and, therefore, no error could be found in the order passed by the respondent no.2 which is impugned here.

4. The petition is therefore summarily dismissed. No costs.

JUDGE

JUDGE

sahare