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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5099 OF 2022

Hawaji Vishwanath Swami

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

Mr. Girish L. Awale, Advocate for the petitioner

Mr. S. N. Kendre, AGP for respondent - State

Mr. S. K. Kadam, Advocate for respondents No.2 and 5

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 6th MAY, 2022

ORDER :

1. Nomination form of the petitioner is rejected by the returning officer on the ground that the petitioner has failed to sign the affidavit in the nomination form.
2. The petitioner claims that it is an inadvertent mistake, which the returning officer ought to have considered and permitted the petitioner to sign the affidavit.
3. Learned advocate for respondents No.2 and 5 states that list of validly nominated candidates is already displayed on 5th May, 2022.

4. Since the election programme is in advanced stage and as disputed questions of facts are raised in the present writ petition, and in view of decision of the Division Bench of this Court at Principal Seat in Writ Petition No. 5878 of 2021 (*Dattatray Genaba Lole and Others V/s The Divisional Joint Registrar Co-operative Societies, Pune and Others*), the petitioner has alternate efficacious remedy, the writ petition is dismissed with liberty to the petitioner to avail alternate remedy.

5. All the contentions of the petitioner are kept open.

[NITIN B. SURYAWANSHI]
JUDGE