

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

914 WRIT PETITION NO.13084 OF 2022

**AMAR SHIVRAJ PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND
OTHERS**

...
Advocate for Petitioner : Mr. R.D. Biradar
AGP for Respondents/State : Mr. K.B. Jadhavar
...

**CORAM : ARUN R. PEDNEKER, J.
DATED : DECEMBER 20th, 2022.**

PER COURT :

1. Heard the learned counsel for the petitioner.
2. The petitioner has challenged the election of respondent No. 4 – Anil Vajinath Ingole as a member of Nagar Panchayat of village Deoni, Tq. Deoni, District Latur for the year 2021 on the ground that respondent No. 4 has four children, two of which are born beyond the cut off date of 12th September, 2001 and has incurred the disqualification under section 16 (K) of the Maharashtra Municipal Councils, Nagar Panchayats And Industrial Townships Act, 1965.
3. The petitioner herein filed documents before the Collector and made an attempt to establish that the respondent No. 4 has four children. The petitioner's contention is that respondent No. 4 has two wives and he has two children born beyond the cut off date of 12th September 2001 and to that effect the petitioner has produced the electoral roll at page Nos. 34 and 35 of the petition. At page No. 34 at item No. 666 of the voters list, the name of wife of the respondent No. 4 is mentioned as Ingole Pratibha Anil and at page No. 35 at item No. 260 the name of wife of the

respondent No. 4 is mentioned as Lokare Chandrakala Rajiv. The petitioner has also filed documents at page No. 49 i.e. birth certificate of Anushka Anil Ingole. In the said birth certificate, the mother's name is shown as Vaishali Anil Ingole. Also at page 47 of the petition, the school record of Anushka also shows the mother's name recorded as Vaishali Anil Ingole.

4. The documents produced by the petitioner are contrary to the extent of the names of the ladies in the voters list is shown as Pratibha and another is Chandrakala. However, birth certificate of Anushka indicates the mother's name as Vaishali. Thus, Anushka cannot be said to be child of respondent No. 4 Anil. The Collector has also recorded at page No. 67 in operative part of the order dated 19.10.2022 that the petitioner was not able to establish that Anushka and Vaishnav are the children of respondent No. 4 Anil as the mother's name appears to be different.

5. The learned counsel for the petitioner has not been able to point out any error in the order passed by the Collector indicating Anushka and Vaishnav are not the children of Anil. In this view of the matter, the writ petition is dismissed.

[ARUN R. PEDNEKER J.]

ssc/