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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1470 OF 2022

Shubhangi Yuvraj Karvande .. Petitioner
Versus
State of Maharashtra through it's
Secretary, Dept. of Co-Operation & Ors... Respondents

...

Mr.S.S.Kanetkar with Mr.Nikhil Dongre for the Petitioner.
Mr.A.P.Vanarse, AGP for the State/Respondent.

...

CORAM: RAVINDRA V. GHUGE, J.
DATED : 15th FEBRUARY, 2022

P.C:-

1. By this petition, the petitioner who is a contesting candidate, has put forth prayer clause 12(a), (b), (c) and (d) as under :-

“(a) That this Hon’ble Court may be pleased to issue writ of certiorari or any other writ, order of direction the nature of writ of certiorari thereby to quash and set aside the impugned Order dated 01/02/2022 passed by the Respondent No.3 i.e. Returning Officer.

(b) The objection filed by the Petitioner to the nomination of the Respondent No.4 be allowed and the nomination of the Respondent No.4 for contesting the elections to the Managing Committee of the Vashere Vividh Karyakari Sanstha Maryadit for period of 2021-2016 be held as invalid.

(c) Pending the hearing and final disposal of the Writ Petition, the impugned order dated 01.02.2022 passed by the Respondent No.3 Returning Officer, holding the nomination of the Respondent No.4 as valid be stayed.

(d) Pending the hearing and final disposal of the present Writ Petition, this Hon'ble Court may be pleased to stay the further elections to the Managing Committee of Vashere Vividh Karyakari Sanstha Maryadit Taluka Khed, Dist.Pune for the period 2021-2026."

2. This petition was circulated on 14/02/2022 and was granted urgent circulation today. At this stage of issuance of notice, the petitioner has prayed for staying the elections. In the alternative, it is prayed that the nomination form of respondent No.4 which is accepted by the Returning Officer, be declared as invalid or stay the acceptance of the nomination form and let the election be conducted as per the programme declared on 21/01/2022. The polling is scheduled on 27/02/2022 and today is the day for withdrawal of nomination forms upto 3.00 p.m.

3. It is well settled that disputed questions cannot be considered in the writ jurisdiction of this Court and more so in election matters. It is equally settled that this Court cannot pass orders of staying the elections or postponing the elections or set aside the nomination form of a candidate, ex-parte.

4. In view of the above, this petition, being devoid of merits, is dismissed.

(RAVINDRA V. GHUGE, J.)