

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8847 of 2021**

Yashwant Eknath Lahange

.....Petitioner

Vs.

Santosh Dattatray Bhadmukhe and Ors.

.....Respondents

Mr. D. S. Pagare for Petitioner.

Mr. C. D. Mali, AGP for Respondent Nos. 2 &amp; 3 (State).

**CORAM : A. S. GADKARI, J.****DATE : 15<sup>th</sup> MARCH, 2022.****PC.:-**

Petitioner has invoked jurisdiction of this Court under Article 227 of the Constitution of India impugning the Judgment and Order dated 8<sup>th</sup> September, 2021 passed by the Respondent No. 2 in Grampanchayat Appeal No. 5 of 2021, thereby dismissing the said Appeal preferred by the Petitioner and confirming the Judgment and Order dated 13<sup>th</sup> January, 2021 passed by the Respondent No. 3 in Grampanchayat Dispute Application No. 10 of 2020.

2. Heard Mr. Pagare, learned Advocate for Petitioner and Mr. C. D. Mali, AGP for Respondent No. 2 and 3.

3. Record indicates that, on a complaint filed by Respondent No. 1 under Section 14(1)(J-1) of the Maharashtra Grampanchayat Act, 1958,

(for short “the said Act”) alleging that the Petitioner being an elected member of Wadivarhe Grampanchayat, Taluka Igatpuri, District Nashik, was having three children on the date of contesting election and therefore his election may be set aside, the respondent No. 3 initiated the said Grampanchayat Dispute Application No. 10 of 2020 against the Petitioner. After perusing record, Respondent No. 3 reached to the conclusion that, the Petitioner was/is having three children on the date of election i.e. in the year 2019 and by giving false information and documents thereof, contested the said election and got himself elected. The Respondent No. 3 has specifically recorded the dates of birth of said three children as 18<sup>th</sup> March, 2005; 12<sup>th</sup> May, 2007 and 20<sup>th</sup> August, 2009. Respondent No. 3 accordingly allowed the said complaint and disqualified Petitioner under the provisions of the said Act.

The Respondent No. 2 has turned down the Appeal preferred by the Petitioner and has confirmed the findings recorded by the Respondent No. 3 in that behalf.

4. Perusal of record clearly indicates that, the name of wife of Petitioner is Mrs. Yogita Lahange, age 29 years and as per record she gave birth to three children on 18<sup>th</sup> March, 2005; 12<sup>th</sup> May, 2007 and 20<sup>th</sup> August, 2009. The Petitioner could not establish the fact before both the Authorities below that, Mrs. Yogita is not his wife. He also could not establish the fact that, third child i.e. a son, is not of his, begotten from the wedlock with

Mrs. Yogita Lahange. It is thus proved that, the Petitioner was having three children in the year 2019 i.e. at the time of contesting the election of said Wadiwarhe Grampanchayat, Taluka Igatpuri, District Nashik.

5. After perusing both the Orders passed by Respondent No. 2 and 3 respectively, this Court is of the considered view that, both the Authorities below have exercised their jurisdiction rightly and that there is no illegality committed by them while passing the impugned Orders. There is no error either on facts or in law committed by them.

6. Petition being de hors of merits, is accordingly dismissed.

**(A.S. GADKARI, J.)**