

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 15437 OF 2022

Shri Mohan Tukaram Dhundare & Anr. ..Petitioner/s

v/s.

State Election Commission & Ors. ..Respondents

**WITH
WRIT PETITION NO. 15438 OF 2022**

Mohan Tukaram Dhundare & Ors. ..Petitioner/s

v/s.

State Election Commission & Ors. ..Respondents

Mr.Niranjan Bhavake i/b. Bhavake & Associates for the Petitioner/s.
Mr. Utkarsh Desai for the Respondent No.4
Mr. S.H.Kankal, AGP for the State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 14th DECEMBER, 2022.**

P.C.

1. The petitions challenge the legality and validity of order dated 05.12.2022, passed by the Election Returning Officer of the Gram Panchayat of Village Rashivade, Taluka Radhanagari, District Kolhapur.
2. Heard Mr. Bhavake, learned Counsel for the Petitioner, Mr. Desai, learned Counsel for the Respondent No.4 and learned AGP for the State.
3. The challenge is basically to the rejection of objections raised by the Petitioners and allowing nomination form submitted by the Respondent No.4 to contest the election for the post of Member of Gram

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Panchayat of Village Rashivade.

4. Learned AGP states that final list of the candidates has been published , symbols are allotted and election is scheduled on 18.12.2022. In such circumstances, election process cannot be stalled and the proper remedy is by way of election petition.

5. Considering the said aspect, as well as the decision of the full Bench of this Court Karamveer Tulshiram Autade & Ors. vs. The State Election Commission, Mumbai & Ors. 2012 (2) Mh.L.J. 349, the petitions are not maintainable. Both petitions stand dismissed.

(ANUJA PRABHUDESSAI, J.)