

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO. 5089 OF 2022**

Sau. Komal Amol Sirsat

vs.

The Collector, Buldhana and another

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Mr. R. D. Karode, Advocate for petitioner.  
Mr. M. A. Barabde, Advocate for respondents.

**CORAM : MANISH PITALE J.**

**DATE : 05/09/2022**

While issuing notice on 23/08/2022, in the present petition, this Court had taken note of the fact that similar petitions concerning identical set of circumstances were allowed by orders dated 01/10/2021.

2. The grievance of the petitioner is identical to the grievances that were raised in Writ Petition Nos. 3470 of 2021 and 3810 of 2021. The grievance concerns an order of disqualification passed by the respondent No.1 Collector under the provisions of the Maharashtra Village Panchayat Act, 1959, due to failure to submit election expenses within the stipulated period of time. It is the case of the

petitioner that since she had already withdrawn her nomination paper and never contested the election, the disqualification order ought not to have been passed.

3. A perusal of the orders dated 01/10/2021, passed by this Court in the aforesaid writ petitions would show that in identical circumstances, the writ petitions stood allowed.

4. In the order dated 23/08/2022, this Court took note of the fact that in identical set of facts petitions have been allowed and that the persons with identical grievance ought not to rush to this Court for relief and that taking a cue from the orders passed by this Court, the respondent Collector ought to have taken appropriate steps. In this backdrop, the Collector was asked to remain personally present.

5. An application was thereafter filed on behalf of the Collector for exemption from personal appearance, which resulted in the order dated 30/08/2022, when this Court recorded that nearly 191 similar orders had been passed by the Collector and that in the said backdrop, the presence of the Collector was necessary. It was indicated that despite the view taken by this Court, the Collector

had failed to withdraw such orders of disqualification in cases where the candidates had not even contested the election, having withdrawn their nomination papers.

6. Today, when the petition is called out for hearing, the learned AGP has handed over an affidavit of the respondent No.1 Collector. An order dated 01/09/2022, is annexed with the affidavit which shows that orders of disqualification passed in all 191 cases on the ground of failure to submit election expenses even when the candidates had not contested the election, have been withdrawn. This includes the case of the present petitioner in this writ petition.

7. The affidavit and the document filed therewith does show that the respondent No.1 Collector has taken remedial action and that nothing survives in the present petition. The affidavit along with the document annexed therewith is directed to be taken on record. The Collector has remained personally present in Court and he stated that as soon as the opinion of the Election Commission was received, the aforesaid order dated 01/09/2022, came to be passed withdrawing the earlier order of disqualification passed in such cases.

8. Since the grievance of the petitioner in the present petition stands addressed by withdrawal of the impugned order itself, nothing survives in the present writ petition and it is disposed of as infructuous. No further orders are necessary in the matter.

**JUDGE**