

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH, NAGPURWRIT PETITION NO. 7731/2022(Sau.Manda w/o Manoj Uparikar vs. State of Maharashtra & Others)

Office Notes, Office Memoranda of
directions and Registrar's orders

Court's or Judge's order of

Mr. PP Pendke, Advocate for PetitionerMr.A.M.Deshpande, Additional Government Pleader for Respondents 1
to 3CORAM : A.S. CHANDURKAR & ANIL L.PANSARE, JJ.DATED : 8th December, 2022.

The Petitioner seeks to challenge the acceptance of nomination form of Respondent No.6, by urging that in the list of candidates who had submitted their nomination forms on 2.12.2022, the name of Respondent no.6 has been struck off. However, subsequently it was shown that she had filed her nomination form for contesting election to the post of Sarpanch. According to the Petitioner, she was the only candidate who had submitted her nomination form for the post of Sarpanch. Though a request was made to the Returning Officer-respondent no.5, to supply the nomination form of the Respondent no.6, that request has not been considered.

We find that the election programme has commenced and as of today, the symbols have been allotted to the validly nominated candidates. Since the factual issues raised by the Petitioner would require resolution, we are not inclined to exercise the writ jurisdiction since the election process are commenced. However, the Respondent no.5 shall consider the Petitioner's application dated 05.12.2022 as submitted, within a period of four days from the date of receipt of this

order, if there is no legal impediment. Writ Petition is dismissed with liberty to raise appropriate dispute after the results are declared.

Authenticated copy of this order be supplied to the learned counsel for the parties.

[ANIL L. PANSARE, J.]

[A.S.CHANDURKAR, J.]

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