

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 WRIT PETITION NO.3623 OF 2023

BALASAHEB BHAUSAHEB GHULE
VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. Gaikwad Sanjay N.

AGP for Respondents-State : Mr. K. B. Jadhavar

Advocate for Respondent Nos.2 and 4 : Mr. S. K. Kadam

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CORAM : ARUN R. PEDNEKER, J.

DATE : 29th March, 2023

PER COURT :

1. Heard the learned Advocate for the petitioner. The learned Advocate for the petitioner submits that the amount which has been said to have been defaulted, is not a default amount but an overdue amount. However, the society in their response to the election authorities has submitted that, as on 15/03/2023, the petitioner is a defaulter.

2. In view of the stand taken by the society, the election authority rejected the nomination of the petitioner. The petitioner also preferred appeal against the rejection of the nomination, the same was also dismissed. The petitioner's contention that, he is not a defaulter, and on 16/03/2023 he has deposited entire amount i.e. after the date of

scrutiny of the nomination. The deposit made after the date of scrutiny cannot be considered. Also it is a disputed fact whether the amount which is paid by the petitioner is the entire due amount. These are findings of facts which cannot be adjudicated in a Writ Petition, in a summary nature, more so when the election is at an advance stage.

3. In view of the same, the present petition is disposed of with liberty to the petitioner to seek such remedy available in law.

(ARUN R. PEDNEKER, J.)

vj gawade/-.