

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

919 WRIT PETITION NO.4516 OF 2023

SHAUKAT BEG KABIR BEG

VERSUS

**DISTRICT ELECTION OFFICER A. P. M. C. AND DISTRICT
DEPUTY REGISTRAR AND OTHERS**

...

Advocate for Petitioner:

Mr. Suryawanshi Kamalakar J.

Advocate for Respondents No.1&2: Mr. V. H. Dighe

...

AND

...

919 WRIT PETITION NO.4555 OF 2023

JAHUR BEG KABIR BEG

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner:

Mr. Gangakhedkar Shailendra S.

AGP for Respondent/State: Mrs. V. N. Patil Jadhav

Advocate for Respondents No.5 to 7:

Mr. V. H. Dighe

...

CORAM: ARUN R. PEDNEKER, J.

DATE: 20th APRIL, 2023

PER COURT:

1. Heard.

2. Both these petitions are taken up
together as it involves common questions of law.

3. The instant case relates to the Hamal constituency of the APMC Kalamnuri. The elections to the APMC Kalamnuri are due and the last date for filing of nomination was on 03.04.2023 and the scrutiny of the nomination was on 05.04.2023. Both the petitioners are the valid voters of the Hamal constituency and the entire voters list of Hamal constituency has only 3 voters. Both the petitioners are also brothers. The petitioner in Writ Petition No.4555 of 2023 and in Writ Petition No.4516 of 2023 and the only third person who is left, is the proposer of both the candidates. At the time of scrutiny, it was specifically asked to the proposer, whether he has signed the nomination paper of both the candidates. The proposer submitted before the authority that he has signed the nomination form of Writ Petition No.4555 of 2023 and not of Writ Petition No.4516 of 2023. In terms of Rule 21 Sub-rule 2, proposer cannot sign on more than one nomination forms. However, in the instant case, there are only 3 voters. It is the case of the petitioner in Writ Petition No.4516 of

2023 that the seconder is the candidate in Writ petition No.4555 of 2023, as such, his form is complete. However, the petitioner in Writ Petition No.4555 of 2023 has disputed that factum.

4. In view of the disputed position, this court would not interfere in the orders passed by the authorities and leave it open to the parties to seek the remedy of filing an election petition. All contentions are kept open.

5. The Writ Petitions are disposed of.

[ARUN R. PEDNEKER, J.]

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