

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

1 WRIT PETITION NO.13418 OF 2023

RAVINDAR MADHAV VALTE

VERSUS

STATE ELECTION COMMISSION MAHARASHTRA STATE
THROUGH ITS COMMISSIONER SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. M. S. Deshmukh h/f.

Mr. Temak Rahul Bhausahab

AGP for Respondent/State: Mr. N. T. Bhagat

Standing Counsel for Respondents / State Election
Commission & Returning Officer:

Mr. Ajit B. Kadethankar

...

AND

...

2 WRIT PETITION NO.13423 OF 2023

KAILAS PANDURANG SHIRSAT

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Chalak Amol Balasaheb

AGP for Respondent/State: Mr. N. T. Bhagat

Standing Counsel for Respondents / State Election
Commission & Returning Officer:

Mr. Ajit B. Kadethankar

...

AND

...

3 WRIT PETITION NO.13424 OF 2023

NITIN DATTATRAY ASANE

VERSUS

THE RETURNING OFFICER AND OTHERS

...

Advocate for Petitioner: Mr. Dond Manoj A.

AGP for Respondent/State: Mr. K. N. Lokhande

Standing Counsel for Respondents / State Election
Commission & Returning Officer:

Mr. Ajit B. Kadethankar

...

AND

...

4 WRIT PETITION NO.13425 OF 2023

KALYAN GANPATI BANGAR

VERSUS

THE STATE OF MAHARASHTRA

THROUGH THE SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Lavte Amar Vinayakrao

AGP for Respondent/State: Mr. K. N. Lokhande

Standing Counsel for Respondents / State Election

Commission & Returning Officer:

Mr. Ajit B. Kadethankar

...

AND

...

5 WRIT PETITION NO.13426 OF 2023

SUDHAKAR BAPURAO GADERAV

VERSUS

THE STATE ELECTION COMMISSION AND OTHERS

...

Advocate for Petitioner:

Mr. Deshmukh Shambhuraje V

AGP for Respondent/State: Mr. K. N. Lokhande

Standing Counsel for Respondents / State Election

Commission & Returning Officer:

Mr. Ajit B. Kadethankar

...

AND

...

6 WRIT PETITION NO.13427 OF 2023

SINDHU VASANT PARSE

VERSUS

THE STATE OF MAHARASHTRA

THROUGH THE SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Lavte Amar Vinayakrao

AGP for Respondent/State: Mr. K. N. Lokhande

Standing Counsel for Respondents / State Election
Commission & Returning Officer:
Mr. Ajit B. Kadethankar

...
AND

...

7 WRIT PETITION NO.13428 OF 2023
MAYABAI ASHOK PATIL ALIAS MAYABAI BHIKANRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Bhosle Pratik Arvind
AGP for Respondent/State: Mr. N. T. Bhagat
Standing Counsel for Respondents / State Election
Commission & Returning Officer:
Mr. Ajit B. Kadethankar

...

CORAM : ARUN R. PEDNEKER, J.
DATE : 25th OCTOBER, 2023

PER COURT:

1. Heard the learned counsel for the parties
in all these matters.

2. In all these matters the Returning
Officer has either accepted or rejected the
nomination of the candidates and the petitioners
aggrieved thereby have filed the present writ
petitions.

3. Mr. Ajit B. Kadethankar, learned Standing Counsel for Respondents / State Election Commission & Returning Officer has brought to my notice the full bench judgment of this court in case of **Karmaveer Tulshiram Autade and Others Vs. State Election Commission Office and Others, 2021 (2) Mh.L.J. 349**, at para 64 and 68 and submits that in case of acceptance / rejection of the nomination writ petition should not be entertained and granting relief claimed by setting aside the order of rejection is definitely a step to subserve the process of election and / or facilitate it's completion in the sense enunciated in *Mohinder Singh Gill* and explained in *Ashok Kumar*.

4. The learned counsel has also taken me through an **order of this court dated 07.12.2022, passed in Writ Petition No.12359 of 2022**, where this court relied upon the full bench judgment of **Karmaveer**, as referred supra, has refused to entertain writ petition challenging the acceptance / rejection of nomination form.

5. The election programme in the present case instant case is as follows:

The election programme of the panchayat declared on 06.10.2023. The dates of submission of nomination form was from 16.10.2023 to 20.10.2023. Date of scrutiny of nomination form was on 23.10.2023. Date of withdrawal of nomination form was on 25.10.2023. Date of allotment of symbols and the publication of final list of candidates contesting election is 25.10.2023. Date of election is 05.11.2023.

6. Mr. Ajit B. Kadethankar, learned Standing Counsel for Respondents / State Election Commission & Returning Officer submits that in view of the full bench judgment the remedy of election petition under section 15 of the Maharashtra Village Panchayats Act, 1959 is available to the petitioners.

7. The election to the panchayat are at an advanced stage and the bar to entertain writ petition under Article 243-0 (b) of the

Constitution of India read with section 15 and 15-A of the Maharashtra Village Panchayats Act, 1959 would be applicable, as has been held in the above refereed case of **Karmaveer**.

8. In view of the same, the writ petitions are disposed of with liberty to the petitioners to challenge the impugned orders before the appropriate authority in accordance with law. All contentions of the parties are kept open.

[ARUN R. PEDNEKER, J.]

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