

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2 WRIT PETITION NO.14300 OF 2023

RUKMIN SHIVAJI KALE
VERSUS
THE RETURNING OFFICER GRAMPANCHAYAT GOLEGAON AND
ANOTHER

...
Advocate for Petitioner : Suryawanshi Kamlakar J.
Advocate for Respondent No.1 : Mr. A. B. Kadethankar

...
CORAM : ARUN R. PEDNEKER, J.
DATE : 08/11/2023

PER COURT :

1. Heard the learned Advocates appearing on behalf of respective parties.
2. It is the submission of the learned Advocate for the petitioner that the Returning officer has accepted the nomination form of respondent No.2 though she failed to deposit fees for nomination form, so also failed to file certificate of toilet, bank account numbers, certified copy of voters list and also affidavit of not having criminal background. The petitioner aggrieved thereby has filed the present writ petition.
3. The election programme in the 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 candidate contesting election is 25/10/2023. Date of election is 05/11/2023.

4. The election to the panchayat are over on 05/11/2023 and the bar to entertain writ petition under Article 243-O (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 case of ***Karmaveer Tulshiram Autade and Others Vs. State Election Commission Office an Others, 2021 (2) Mh.L.J. 349.***

5. In view of the same, the writ petition is disposed of with liberty to the petitioner to challenge the impugned order before the appropriate authority in accordance with law. All contentions of the parties are kept open.

(ARUN R. PEDNEKER, J.)

vj gawade/-.