

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4622 OF 2022

Balaji Ganapati Pawar

.. Petitioner

V/s.

The State of Maharashtra & Ors

.. Respondents.

WITH

INTERIM APPLICATION NO.2634 OF 2023

IN

WRIT PETITION NO.4622 OF 2022

The Collector Solapur

.. Applicant

V/s.

Balaji Ganapati Pawar

.. Respondent

WITH

INTERIM APPLICATION NO.18349 OF 2022

IN

WRIT PETITION NO.4622 OF 2022

Sachin Shivaji Ghule

.. Applicant

V/s.

The State Election Commission

Maharashtra State & Ors.

.. Respondents

WITH

INTERIM APPLICATION NO.19998 OF 2022

IN

WRIT PETITION NO.4622 OF 2022

Sachin Shivaji Ghule & Ors.

.. Applicants

V/s.

The State Election Commission

Maharashtra State & Ors.

.. Respondents

- Ms Shraddha Pawar i/b. Mr. Dilip Bodake, for the Petitioner.
- Mr. Ashish S. Gaikwad, for Respondent Nos.4 to 8 in AP/4622/2022.
- Mr. Ashish S. Gaikwad, for the Applicants in IA/18349/2022 & IA/1998/2022.
- Mr. S.B. Shetye, for Respondent No.1.
- Mr. A.A. Alaspurkar, AGP for Respondent No.2.

**CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ**

DATE : 24th JULY, 2023.

ORAL JUDGMENT : (PER : SUNIL B. SHUKRE, J.)

1. Heard. Rule. Rule made returnable forthwith, by consent of learned counsel for the respective parties.
2. Learned counsel for Respondent No.1 makes a statement on instructions that Respondent No.1–State Election Commission is ready to grant hearing to the petitioners and also the concerned parties. It is the grievance of the petitioners that the impugned judgment and order dated 24.02.2022 have been passed without granting any opportunity of hearing to the petitioners.
3. In view of the above, we are of the opinion that the issue can be adjudicated in such a case by granting further opportunity to the petitioners and other interested parties in the matter and that can be done by directing the petitioners and other parties to appear before Respondent No.1 for fresh adjudication, in accordance with law.

4. Accordingly, we partly allow this petition. The impugned judgment and order dated 24.02.2022 passed by the State Election Commission-Respondent No.1 are hereby quashed and set aside. Matter is remanded back to Respondent No.1 for fresh adjudication in accordance with law for which purpose sufficient opportunity of hearing shall be granted to the petitioners and other interested parties by issuing them appropriate notices, in accordance with law.
5. We request Respondent No.1 to decide the matter as early as possible and preferably within a period of eight weeks from the date of receipt of the order of this Court.
6. Rule is made absolute in the above terms.
7. Petition is disposed of accordingly.
8. Interim application is disposed of in terms of the final order.

[RAJESH S. PATIL, J.]

[SUNIL B. SHUKRE, J.]