

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.246 of 2023

1. Vinod S/o Sadashiv Hemne,
Aged about 42 years,
Occ.: Agriculturist.

2. Surekha W/o Pradeep Kore,
Aged about 33 years,
Occ.: Household.

Both R/o At & Post: Datora,
Tq. and Dist. Gondia.

... Petitioners

Versus

1. State Election Commission of Maharashtra,
through Commissioner,
First Floor, New Administrative Building,
Hutatma Rajguru Chowk,
Madam Cama Road,
Mumbai-400 032.

2. The Collector, Gondia.

3. Taluka Election Officer and Tahsildar,
Gondia, New Administrative Building,
Room No.13, First Floor,
Jaystambha Chowk, Gondia.

4. Returning Officer,
Grampanchayat, Datora,
Tq. & Dist. Gondia.

5. Smt. Dhanwanta Khemraj Pathode,
Age: Adult, Occ.: Household,
R/o At & Post: Datora,
Tq. & Dist. Gondia.

6. Malkanrao Chiman Bramhankar,
Age: Adult, Occ.: Agriculturist,
R/o At & Post: Datora,
Tq. & Dist. Gondia.

... Respondents

Shri P.V. Thakre, Advocate for Petitioners.

Shri J.B. Kasat, Advocate for Respondent No.1.

Smt. S.S. Jachak, Assistant Government Pleader for Respondent Nos.2 and 3.

Shri A.Y. Kapgate, Advocate for Respondent No.4.

Shri N.R. Tekade, Advocate for Respondent Nos.5 and 6.

CORAM : SUNIL B. SHUKRE & M.W. CHANDWANI, JJ.

DATE : 1st MARCH, 2023

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

1. Rule. Rule is made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

2. Since the election petition has already been filed questioning the decision of the Returning Officer to cancel the certificate of election granted to the defeated candidates, the learned counsel for the petitioners is not pressing Prayer Clauses (1) and (2) and is seeking a limited relief for expeditious disposal of the election petition.

3. Considering the fact that the issue involved pertains to election to Grampanchayat, which has specified term, it would be necessary for the concerned Court, which is the Court of Civil Judge, Senior Division, Gondia, to decide the election petition as expeditiously as possible.

4. We, therefore, direct the Court of Civil Judge, Senior Division, Gondia, to decide the election petition filed by the petitioners in an expeditious manner, after ensuring that all the respondents are duly served with the notice and granted sufficient opportunity of hearing.

5. Rule accordingly. No costs.

(M.W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)

Lanjewar