

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

**CIVIL APPLICATION NO.1524 OF 2023**

**IN**

**WRIT PETITION NO.3112 OF 2023**

(Dilip s/o Ajabrao Borate and ors. Vs. The State of Maharashtra and ors.)

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Shri R.B. Dhore, Advocate for the petitioners.  
Ms H.N. Jaipurkar, AGP for the State.

**CORAM:- URMILA JOSHI-PHALKE, J.**

**DATED :- MAY 19, 2023.**

Heard.

2. The petitioners challenged the order dated 02/05/2023 passed by respondent No.3 – Election Officer, Gram Panchayat Election 2023, Gram Panchayat Tonda Khairi, Tq. Kalmeshwar, District Nagpur.

3. This Court by passing order on 16/05/2023 specifically noted that the contention of the petitioner is supported by the documents which shows land in question belongs to Government and also noted the list of encroaches wherein the name of the husband of respondent No.5 is mentioned. On the basis of that, this Court directed the Election Officer to reconsider the objection in view of the provisions of Maharashtra Village Panchayats Act, 1958.

4. In view of the order passed by this Court, the petitioners resubmitted their objections and called upon the Election Officer to remain present for hearing on 17/05/2023. The Election Officer on the same day passed

an order dated 17/05/2023 and again rejected the objection raised by the petitioners. The petitioner has placed on record subsequent development on the record and also submitted the documents which shows that the petitioners resubmitted their objections on 17/05/2023 and again Election Officer has rejected the same.

5. In view of that, the petitioner is seeking amendment to the writ petition.

6. In view of the reasons mentioned in the application, the liberty is granted to amend the writ petition.

7. The petitioner shall carry out the amendment within stipulated period.

8. Shri Dhore, learned Counsel submitted that today is the date for declaration of the result. If the results are declared then the petition would be infructuous. Admittedly, in view of the judgment of the Full Bench, the election process cannot be stayed. In view of that the result of the election will be the subject to the final outcome of this petition.

9. Stand over after summer vacation.

**(URMILA JOSHI-PHALKE, J.)**

*\*Divya*