

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 873 OF 2024

Sudamati Bharat Munde And Others

VERSUS

The State Election Commission Maharashtra State And Others

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Advocate for the Petitioners : Mr. Sachin Deshmukh h/f Mr. Jadhav
Ganesh Ramrao

AGP for Respondent/State : Mrs. R.R. Tandale
Advocate for Respondent No.1 : Mr. A.B. Kadethankar

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CORAM : S.G. MEHARE, J.

DATED : JANUARY 24, 2024

PER COURT:-

1. Heard learned counsel for the petitioners.
2. Issue notice to the respondents.
3. Learned AGP waives service of notice for respondent nos.2 and 4.
4. Learned counsel Mr. Kadethankar waives service of notice for respondent no.1.
5. A short question before the Court is whether the petitioner could claim relief under Section 14-B of the Maharashtra Village Panchayat Act. Admittedly, the petitioners had not submitted the election expenses. Hence, the Collector disqualified them as per the order dated 12.05.2023. Against the said order, the petitioners had moved a special application under Section 14-B with respondent no.1. The respondent no.1 rejected the special application on the sole

ground that till the matter was disposed of, the accounts of the election expenses were not submitted.

6. Learned counsel for the petitioners submits that the same officer i.e. the Election Commissioner, Maharashtra, granted the relief in Special Application No.28 of 2023 in the case of Mr. Bhimashankar Kalappa Babaleshwar and others Vs. The District Collector, Solapur on similar facts. He did not apply the same parameters while considering the petitioners' application. However, the order placed on record is not complete.

7. This Court, in the case of Balu s/o Mohan Dhotre and others Vs. The State of Maharashtra and others in Writ Petition No.4634 of 2022 dated 14.09.2022 and Bhimraj Namdeo Chattar Vs. The Additional Divisional Commissioner, Nashik Division and others in Writ Petition No.12200 of 2021 dated 07.09.2022, relying on the case of Laxmibai Vs. Collector Nanded and others, (2020) 12 SCC 186 held that the disqualification should not be for five years, and the Authority should decide the period of disqualification.

8. The fact remains that till today, the statements of the election expenses have not been submitted to the competent Authority.

9. Bearing in mind the ratio laid down in the case of Laxmibai (supra), petitioners may be given the opportunity to submit their accounts before the competent Authority and move a fresh

application before the Collector. If such applications are moved, the Collector may dispose of their applications bearing in mind the ratio laid down by the Hon'ble Supreme Court in the case of Laxmibai (supra) and Balu Mohan Dhotre (supra) and consider the request under Section 14-B and determine the period of disqualification as per the ratio laid down in Laxmibai (supra). It is clarified that this order does not mean that the Collector should determine the disqualification period as the petitioners wish.

10. In the above terms, the Writ petition stands disposed of at the admission stage.

(S.G. MEHARE, J.)