



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7404 OF 2024

Balaji Shripati Pawar

VERSUS

The Returning Officer Appointed For General Election Of Grampanchayat
Dharur And Others

Mr. A. S. More, Advocate for petitioner

Mr. A. T. Jagtap, Advocate for respondent No.2

CORAM : R. M. JOSHI, J.

DATE : 10th DECEMBER, 2024

PER COURT :-

1. This petition takes exception to the order dated 10.05.2024 whereby the learned trial Court has directed petitioner to file voters list showing his name as voter.

2. Learned counsel for the petitioner submits that the respondent No.2 Sambhaji Tanaji Palange (Patange) has filed election petition bearing no. 1/2023 challenging the election of the petitioner as a member of Gram Panchayat, Dharur, District Osmanabad. It is his contention that in the said petition, specific objection was raised with regard to the maintainability of the petition on the ground that this respondent is not the voter of the Gram Panchayat. It is his submission that the trial Court has committed error in issuing suo moto directions at

the end of the proceeding to the respondent No.2 to produce voters list, which is impossible in law. To support his submission, he placed reliance on the judgment of the Hon'ble Supreme Court in case messers ***P. Sathasivam, J. and Jagdish Singh Khehar, J. 2013 AIR SCW 1564*** and observations made in paragraph 11 of the said judgment.

3. Learned counsel for the respondent No.2/contesting respondent while opposing the petition pointed out that since respondent No.2 was contestant to the election in question, in view of Section 15(1) of Maharashtra Village Panchayat Act, 1959 he can maintain election petition. It is his submission that direction issued by the trial Court for producing voters list is for just decision of the case as objection is raised by petitioner in that regard. Hence, according to him, no interference is called for in the impugned order.

4. There cannot be any two opinions about the position of law that by exercising inherent jurisdiction and to decide lis effectively, it is open for any Court of law to call upon parties to produce any material evidence to arrive at the just decision of a case. In the instant case, the dispute before the trial Court is about the maintainability of the election petition on the ground that the respondent No.2 is not the voter of the said Gram Panchayat. Respondent No.2 is unsuccessful candidate in the

said election, Hence, having regard to the provisions of Section 15(1) of the Maharashtra Village Panchayat Act, 1959 he gets right to challenge the election. In any case, since dispute is raised by petitioner about the issue as to whether respondent No.2 is voter or not, there is no harm in calling on record the said document indicating that he is the voter of the said Gram Panchayat.

5. In any event, such direction issued by the learned trial Court is not in consistent to the facts of the record and cannot be called as perverse order. In exercise of the writ jurisdiction, this Court does not need to cause any interference in the impugned order.

6. Hence petition stands dismissed.

(R. M. JOSHI, J.)

bsj