



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

WRIT PETITION NO. 2439 OF 2024

(Abhijeet s/o Laxman Rathod ..vs.. The District Collector and Returning Officer, Yavatmal and
another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.P. Kotwal, Counsel for the petitioner.
Mr. D.V. Chauhan, G.P. for the respondents/State.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 08-04-2024

We have heard the learned Counsel for the petitioner Mr. P.P. Kotwal. His contentions are there is an intentional default on the part of the Election Officer in communicating the shortfalls and then making the prayer of the petitioner infructuous by not permitting him to remove the lacunae.

2. Today is the last date for withdrawal of nomination.

3. If we consider the contentions raised by the learned Counsel Mr. P.P. Kotwal as to non communication of the shortfalls, the fact remains the record depicts that there is a scope to infer that the shortfalls were duly communicated and the petitioner has failed to cover up the shortfalls within the stipulated time.

4. Apart from above, whether the petitioner has attempted to remove the shortfalls within the permissible time, is a question of fact which needs appreciation of evidence. Considering the embargo under Article 329 B of the Constitution of India, we are of the view that it is not a fit case where this Court should cause interference in extra ordinary writ jurisdiction.

5. The petition stands dismissed. However, the petitioner is at liberty to move an election dispute.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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