



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

WRIT PETITION NO. 6640 OF 2024

Narayan Dinbaji Jambhule
(Appearing in Person)

.. Petitioner

..Versus..

The Chief Election Officer,
State of Maharashtra and others

.. Respondents

.....

Mr. N.B. Jambhule, Advocate for the petitioner
Ms Neerja Choube, Advocate for respondent No.1
Mr. D.V. Chauhan, GP a/w Mr. N.S. Rao, AGP for the respondent Nos.
2 and 4/State

.....

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
NITIN W. SAMBRE, J.**

DATE : 14th NOVEMBER, 2024.

P.C.

1. Heard petitioner in person, Shri D.V. Chauhan, learned Senior Counsel and learned Government Pleader representing respondent Nos.2 and 4, whereas Ms Neerja Choube, learned Counsel has also been heard for respondent No.1.

2. By instituting this Writ Petition under Article 226 of the Constitution of India, a direction has been sought to the

respondent Nos.1 and 2 directing them to cancel earlier approved 'nomination' of the respondent No.3 in respect of 'Assembly Constituency No.73- Bramhapuri, District Chandrapur'. Along with this prayer, certain interim prayers have also been made. The prayer clause of the Writ Petition is extracted hereafter below:

"a. The matter may be finally heard & disposed off within 2 days (looking into the 'Election Programme') and 'such' notices be issued.

b. Direct the Respondent No.1 & 2 to make public pronouncement that nomination of "Shri Vijay Namdeorao Wadettiwar" for Bramhapuri Assembly Constituency shall be subject to final decision, in the extant matter AND to publish 'so' in local newspaper.

c. Direct the Respondent no.4 to immediately seize the 'Records/Stamp Paper Issuing Register' of the concerned Stamp Vendor & produce the 'same' for scrutiny before the Court."

3. In effect, the petitioner seeks to challenge the acceptance of nomination of the respondent No.3.

4. Section 80 of the Representation of the People Act, 1951 (hereinafter referred to as the, 'said Act') provides for filing of an Election Petition wherein it has been clearly stated, no election shall be called in question except by an Election Petition to be presented in accordance with the provisions of the said Act.

5. Section 100 of the said Act provides for certain grounds for declaring an election to be void. One of the grounds, as enumerate in Section 100 (d) (i), is the ground of improper acceptance of any nomination. Thus, the grievance of the petitioner that nomination of the respondent No.3 has been accepted improperly or illegally can be taken up by filing an Election Petition under the said Act. Additionally, Article 329(b) of the Constitution of India clearly provides that, no election to either House of the Parliament or to the House of the legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate legislature. The law in this regard made by the Parliament is the said Act, which provides for filing of an Election Petition in case any election is to be challenged on the various grounds, including the ground that candidate's nomination was accepted improperly or illegally.

6. In view of the aforesaid, this Writ Petition is not maintainable, which is hereby dismissed.

(NITIN W. SAMBRE, J.)

(CHIEF JUSTICE)

R.S. Sahare