

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 179 OF 2025
IN
WRIT PETITION NO. 15929 OF 2025

Prasad Ramakant Thakare. ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. Mandar Limaye, Advocate for Petitioner.

Mr. Sachin B. Shetye a/w. Mr. Akshay Pansare, Advocate for
Respondent No. 4 State Election Commission.

Mr. P.P. Kakade, Addl. G.P. a/w. Mrs. Priyanka Chavan, AGP for
Respondent/State.

CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.

DATE : 10th DECEMBER, 2025

P.C. :

1. We have considered the submissions of the learned
Advocate for the Review Petitioner, the learned Addl.GP on behalf of
Respondent No. 1 and the learned Advocate on behalf of Respondent No.

4.

2. When the order dated 25.11.2025 was passed in the Writ Petition, we had kept in view the dictum of the Full Bench of this Court in *Karmaveer Tulshiram Autade & Ors. v/s. State Election Commission, Mumbai & Ors., 2021 (2) Mh. L.J. 349*, wherein the Full Bench has concluded that in such matters, an Election Petition can be filed if the Petitioner is aggrieved that his nomination form has been unjustifiably rejected.

3. The Petitioner before us has contended that though he had participated in the tender process, he was not awarded a contract or a work order. A false statement was made by the Wada Nagar Panchayat in Appeal No. 1 of 2025, which was preferred by the Petitioner before the learned District Judge-1, Bhiwandi, after his nomination form was rejected on the ground that he had interest in the work done for the Panchayat. According to the Petitioner, a palpably false statement was made.

4. It is now canvassed that if the order of the District Judge-1 dated 24.11.2025 is quashed and set aside, the Petitioner's nomination form could be revived, in view of the new election program.

5. In a Review Petition, the cause taken up cannot be canvassed as if a Writ Petition is being argued afresh. An error apparent on the face of the record will have to be pointed out. We have only followed *Karmaveer Tulshiram Autade (supra)*, by which the Petitioner can prefer an Election Petition. Hence, we do not find that any ground has been made out to indicate an error apparent on the face of the order. **This Review Petition is, therefore, rejected.**

6. The Petitioner's apprehension is that the Election Petition would be registered before the learned Civil Judge, Senior Division and his appeal has been dismissed by a higher Court. We do not find that the Petitioner's apprehension is well placed in view of the fact that we have recorded in our writ order that all contentions available to the parties are kept open, to be considered by the concerned Court, if an Election Petition is filed.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)