



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

WRIT PETITION NO. 982 OF 2025

(Shri Sunil Sadaram Chandewar Vs. The Additional Commissioner, Civil Lines, Nagpur & Ors.)

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

Court's or Judge's orders.

Mr. Bhojraj Dhandale, Counsel for the petitioner.
Ms D.V. Sapkal, A.G.P for respondent nos. 1 to 3/State.
Mr. J.K. Matala, Counsel for respondent no.5.

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CORAM : ANIL L. PANSARE, J.
MARCH 17, 2025

Heard.

2] Respondent no.4 – Secretary, Gram Panchayat, Palasgaon (Raka), has been not yet served.

3] The learned Counsel for respondent no.5 submits that reply is ready and will be filed during the course of the day. Copy of same has been supplied to the petitioner's Counsel.

4] The learned A.G.P seeks time to file reply.

5] The learned Counsel for the petitioner submits that the petitioner stands disqualified as Member and Upa-Sarpanch, Gram Panchayat, Palasgaon (Raka). He submits that the Tahsildar, vide communication dated 10/3/2025, had scheduled election for the post of Upa-Sarpanch on 18/3/2025, i.e., tomorrow. He accordingly seeks interim relief.

6] The learned A.G.P and the learned Counsel for respondent no.5 have invited my attention to order

passed by the Additional Commissioner, which indicates that in March – 2017, the petitioner's father has paid penalty of Rs.1,000/- for encroachment made by him. The petitioner is residing with his father. It is further the case of the respondents that the petitioner, while contesting election, has given same address, where his father is residing.

7] The learned Counsel for respondent no.5 has shown me tax receipt dated 20/5/2024 showing name of the petitioner as depositor of tax on behalf of his father.

8] As such, merely because the petitioner has deposited tax by itself cannot be said to be a proof of fact that he is residing with his father, but what is important is that in the impugned orders, the authorities below have observed that the petitioner failed to show that he is residing at some other address, as claimed by him. It appears that the petitioner failed to place on record any evidence that he is residing on some different address in rental premises.

9] That being so, I am not inclined to grant interim relief, as prayed for. The request is accordingly rejected.

10] At this stage, the learned Counsel for the petitioner made a request to decide the petition finally. He has invited my attention to the affidavit filed by the petitioner's uncle stating therein that the petitioner is residing in rental premises owned by him (petitioner's uncle) since the year 2015.

12] If what has been stated in the affidavit filed by the petitioner's uncle is correct, it is surprising that the petitioner has, while contesting elections in the year 2021, given address of the place, where his father is residing. It appears that the petitioner made an attempt to create evidence to suit his case, but failed.

13] Put all together, there is no substance in the petition. The petition is accordingly dismissed. No costs.

(ANIL L. PANSARE, J.)

Sumit