



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

Writ Petition No.1904 of 2025

Shri Sagar Shripad Kotwaliwale

vs.

*Election Returning Officer, Gajanan Sahakari Bahuuddeshiya Sanstha Maryadit, Nagpur
and others*

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. P.M. Pande, Advocate for the Petitioner.

Ms. P.C. Bawankule, A.G.P. for Respondent No.3.

Mr. S.D. Khatai a/w Ms. Rajshree Kabra, Advocates for Respondent No.4.

Mr. S.S. Ghate, Advocate for Respondent No.5.

CORAM : **ANIL L. PANSARE, J.**

DATE : **7th APRIL, 2025.**

Heard.

02. Respondent No.1-Election Returning Officer has rejected the objection filed by the petitioner to the nomination form submitted by respondent No.4 for the election of member of respondent No.2-Society.

03. Learned A.G.P. submits that as per election programme, the scrutiny of nomination form was to be commenced from 11:00 a.m. onwards on 28th March, 2025. The scrutiny completed at 03:00 p.m. in the presence of persons, which include the petitioner. Respondent No.1 declared the nomination form of 30 out of 32 candidates as valid and reserved the decision for the other two. Respondent No.4's nomination was held to be valid. Subsequent thereto, at about 03:15 p.m., the petitioner appears to have lodged objection stating therein that respondent No.4 has three children. Respondent No.1 rejected the objection on the count that the objection was received after completion of the process of scrutiny and, secondly, no evidence has been tendered by the petitioner in support of the objection.

04. The learned Counsel for the petitioner submits that in absence of the procedure for scrutiny under the provisions of the Act of 1960, respondent No.1 ought to have conducted summary enquiry to decide objection in terms of sub-section 2 of Section 36 of the Representation of People Act, 1951.

05. True it is that respondent No.1 could have conducted summary enquiry, but on receiving objection before completion of scrutiny. The petitioner has failed to tender any explanation as to why was this objection not submitted till 03:00 p.m. when the scrutiny was conducted and particularly when the petitioner was present throughout.

06. There is thus no merit in the petition. The petition is dismissed with no order as to costs.

07. The petitioner, however, shall be at liberty to raise the issue in appropriate proceedings viz. the election petition, if the respondent No. 4 is elected. It is worth mentioning here that at previous date, upon enquiry made by the Court, the Counsel for respondent No.4 has admitted that respondent No.4 has three children.

(Anil L. Pansare, J.)

**sandesh*