

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1312 OF 2026**

Pallavi Prashant Kale

...Petitioner.

V/s

The Election Commissioner,
State of Maharashtra and Others.

.... Respondents.

Mr. Sharad T. Bhosale, advocate for the petitioner.

Mr. S.S. Borolkar i/b Mr. Manoj Patil, advocates for the respondent no.3.

Mr. Sachindra B. Shetye a/w Ms. Dhanashri Mondkar, Mr. Nipun Sawane, advocates for the respondent-State Election Commission.

Mrs. Neha S. Bhide, G.P. a/w. Mrs.G.R. Raghuwanshi, A.G.P. for the respondent no.2-State.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 29TH JANUARY 2026

P.C. :

Not on Board. Upon mentioning by Mr. Sharad T. Bhosale, learned counsel for the petitioner, the matter is taken on Production Board.

2. This writ petition is filed challenging the order dated 22nd January 2026 passed by the respondent no.2 rejecting the petitioner's objection in respect of nomination papers filed by the respondent no.3. Mr. Bhosale, learned counsel for the petitioner mentioned the matter citing extreme urgency and submits that the petitioner's objection to respondent no.3's nomination papers is that the respondent no.3 has not disclosed properties standing in the name of her husband i.e. Gat Nos.153, 256, 263, 267, 467, 1404 and 845 and further

the respondent no.3 has disclosed properties that do not belong to her. The petitioner's written objection dated 22nd January 2026 has been rejected by the impugned order dated 22nd January 2026 *inter alia* on the ground that the respondent no.2 cannot adjudicate the factual allegations made by the petitioner.

3. At the mentioning stage itself, we had indicated to the petitioner that there was no urgency in the matter. Yet Mr. Bhosale, learned counsel for the petitioner insisted on a hearing and it was indicated that if no case is made out then exemplary costs would be imposed. We have perused the impugned order and find no infirmity in the same. The respondent no.2 has correctly held that it is not possible to examine the factual allegations of title and as to whether the properties are standing in the name of the respondent no.3 or her husband. It is settled law as held by the Hon'ble Supreme Court in *Vishwanath Pratap Singh v. Election Commission of India* 2022 SCC OnLine SC 2213 that rejection of nomination papers cannot be the subject matter of the writ proceedings under Article 226 of the Constitution of India. The petitioner has an efficacious alternate remedy in law depending upon the outcome of the election result.

4. In view of the above, there is no merit in the petition. Writ Petition No.1312 of 2026 is dismissed. This is a fit case for imposition of costs, however at the request of the learned counsel for the petitioner, we refrain from doing so.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]