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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ELECTION PETITION NO. 1 OF 2025**

Shahaji Nanai Thorat Alias ... Petitioner

Shahajirao Dhondiba Thorat

Vs.

The State of Maharashtra ... Respondents
and Others

Mr. Nitesh S. Nevshe a/w. Ms. Shweta Nitesh Nevshe for the
Petitioners.

CORAM : GAURI GODSE, J.

DATE : 13th FEBRUARY 2026

ORDER :

1. By order dated 12th March 2025 the petitioner was called upon to point out as to why the election petition should not be dismissed under Section 86(1) of The Representation of People's Act, 1951 ("the said Act") for non-compliance with the provisions of Section 81 and 82 read with Section 100(1) and 101 of the said Act.

2. By order dated 21st April 2025, this court, after considering the submissions made on behalf of the petitioner on the preliminary objection, directed the striking out of the names of respondent nos. 1 to 6. The petition was

accordingly amended. The petition was directed to be listed for hearing to enable the petitioner to make his submissions as to why the election petition should not be rejected under clause (a) of Rule 11 of Order VII of the Code of Civil Procedure, 1908 (“CPC”).

3. In the Order dated 21st April 2025, the pleadings and the submissions on behalf of the petitioner were recorded and considered. However, since the petitioner was not specifically called upon to respond as to why the election petition should not be rejected under clause (a) of Rule 11 of Order VII of the CPC on the ground that it does not disclose a complete cause of action, the petition was adjourned to enable the petitioner to respond to the preliminary queries raised by this court.

4. Thereafter, the petition was adjourned on various dates on behalf of the petitioner. By order dated 18th November 2025, the application for amending the petition to add pleadings to support the allegations was allowed. The petitioner had requested a change in the Advocate. Accordingly, the new advocate was appointed from the legal aid committee. The petition was thus adjourned on behalf of

the petitioner at least on twelve occasions.

5. In response to the preliminary objection, as recorded in the Order dated 21st April 2025, the petitioner was called upon to point out the pleadings and supporting documents to support his contention that the petition raises a complete cause of action to entertain the petition. Learned counsel for the petitioner submits that by way of amendment, the petitioner has brought on record the relevant pleadings to show the corrupt practices on the part of respondent no. 7. Learned counsel for the petitioner relies upon paragraph 19 of the petition and the document annexed at page 133B of the petition.

6. Learned counsel for the petitioner submits that the petitioner had filed a Public Interest Litigation for raising various objections regarding monies sanctioned by the government for the construction of a gate at Chirag Nagar and a huge monument in memory of Sahityaratna Anna Bhau Sathé. Learned counsel for the petitioner submits that the said Public Interest Litigation is still pending; however, the manifesto of the respondent no. 7 published and circulated by him falsely stated that an amount of Rs. 305 crores was

sanctioned for the construction of the monument. He submits that respondent no. 7 lured the voters with false promises and assurances. He thus submits that respondent no. 7 indulged in corrupt practices, and thus the election of respondent no. 7 is liable to be set aside on the ground of corrupt practices as contemplated under Section 100(1)(b), d(i) and d(iv).

7. Learned counsel for the petitioner submits that the election of respondent no. 7 to the Maharashtra State Legislative Assembly Constituency No.169 – Ghatkopar West is liable to be cancelled and set aside on the ground of corrupt practices. Learned counsel for the petitioner submits that in view of the substantive pleadings in the petition and the supporting documents, the petitioner would be entitled to lead evidence to support the allegations that respondent no. 7 indulged in corrupt practices. He submits that the entire election petition speaks volumes about the grounds raised for challenging the election of respondent no. 7. According to the petitioner, all the documents support the petitioner's allegations as contemplated under Section 100(1)(b), d(i) and d(iv).

8. Learned counsel for the petitioner submits that the pleadings in the petition point out the allegations regarding the illegal acceptance of the nomination form of respondent no.7. He submits that, without any supporting documents from the candidates, the nomination forms were accepted even though there was no police character certificate submitted along with the nomination forms. The nomination forms were incomplete, and the necessary information regarding citizenship was also not mentioned. He submits that, pursuant to the government resolution dated 14th March 2024, all official documents should include the mother's name. However, the mother's name is not indicated in the nomination forms. He therefore submits that the election of respondent no. 7 is also liable to be set aside on the ground of illegal acceptance of the nomination form.

9. Learned counsel for the petitioner relied upon the pleadings in paragraphs 7 and 18 of the petition to support his submissions that the petitioner was not permitted to contest the election on the ticket of Rashtriya Maratha Party. Hence, the petitioner contested the election as an independent candidate. He submits that the petitioner

entered the Maharashtra Legislative Assembly Constituency with the intention of upliftment of the voters in the area, as there are basic problems of water supply.

10. Learned counsel for the petitioner thus submitted that the petitioner would be entitled to lead evidence to support his pleadings regarding illegal acceptance of the nomination form and the respondent no. 7 indulging in corrupt practices.

11. To consider the submissions made on behalf of the petitioner, I have perused the pleadings and the supporting documents of the election petition. The petitioner has filed this petition as an unsuccessful candidate. He has pleaded that the petitioner had informed the returning officer that his name should be published as a candidate of the Rashtriya Maratha Party. However, there was no response to the petitioner's request, and his name was never published in the list of the party. The petitioner has pleaded regarding his intention to contest the election as a candidate of the Rashtriya Maratha Party. However, these pleadings are not relevant to constitute a cause of action for setting aside the election on the grounds as contemplated under Section 100(1)(b), d(i) and d(iv).

12. The petitioner has pleaded regarding the nomination forms, particularly the nomination form of the respondent no. 7 being incomplete. The allegation regarding the nomination form of respondent no. 7 is pleaded in paragraph no. 16, by stating that “Petitioner states that Returning Officer furnished nomination form submitted by Respondent No. 7 which is incomplete ultimately it comes false affidavit. Exhibit “L” is the copy of said Nomination Form.” Thereafter, in paragraph no. 19, the petitioner has made vague averments stating that in Part III, columns are not filled up but cancelled. He further states that respondent no. 7 has not disclosed the criminal antecedents. However, it is not alleged that there are any criminal antecedents of respondent no. 7. Learned counsel for the petitioner was unable to point out any material pleadings raising objection to acceptance of nomination of respondent no. 7.

13. There are vague allegations regarding public interest litigation filed by the petitioner raising objections regarding the construction of a huge monument in memory of Sahityaratna Anna Bhau Sathe. Paragraph 19 of the petition relied upon by the learned counsel for the petitioner refers to

the manifesto of the respondent. 7 regarding Rs.305 crores sanctioned for the construction of the monument. Clause (f) of paragraph 20 alleges that the respondent no. 7 lured voters with false promises and assurances. The petitioner further vaguely raises objections regarding nomination papers. However, no material particulars are pleaded, raising objections regarding particulars of the nomination forms. The petitioner also does not disclose the particulars about the successful candidate, however, the petitioner prays for declaring the petitioner as elected, as he had filed a correct nomination form.

14. The prayer clause (a) of the petition further prays for the cancellation of the election of the Maharashtra Legislative Assembly Constituency 2024. The petitioner has also prayed to declare the election of the respondent. 7 as illegal, null and void and further prayed for cancelling and setting aside the election of respondent nos. 7 to 17.

15. Thus, a perusal of the petition and the supporting documents indicates that general allegations are made against all the candidates. Though the allegation of corrupt practices is made against respondent no. 7, the material

facts regarding the corrupt practices are not pleaded. The persons allegedly involved in corrupt practices are not named. The allegation of corrupt practices is based solely on the contents of paragraph 19 and clause (f) of paragraph 20. The averment refers to the manifesto of respondent no. 7, that he lured the voters with false promises. Except for making vague allegations regarding false promises and assurances by respondent no. 7, material particulars are not pleaded. In paragraph no. 10, the petitioner states that there is suspicion of corruption.

16. There are vague allegations made against the acceptance of nominations of respondent nos. 7 to 17. However, no material particulars are pleaded for raising objections to the nomination forms. The prayers in the petition also include a declaration that the petitioner be declared as elected; however, there are no pleadings regarding the number of votes in favour of the candidates. From the pleadings, it appears that the petitioner seeks to set aside the election of all the candidates except for himself. Thus, by cancelling and setting aside the nomination of respondent nos. 7 to 17, the petitioner seeks to declare

himself elected.

17. The petitioner has filed a compilation of judgments to point out the legal principles. However, learned counsel for the petitioner was unable to point out any judgment that would support the arguments made on behalf of the petitioner. The legal principles regarding the rejection of the election petition at the threshold are well settled. The election petitioner must aver specifically in what manner the result of the election, so far as it concerned the elected candidate, would be materially affected. In the absence of material facts, as contemplated in Section 83(1)(a) of the said Act, to constitute a complete cause of action, the petition is liable to be rejected at the threshold on that ground. The allegations made, should constitute the cause of action as understood in the Code of Civil Procedure. It is a well-established legal principle that it is the duty of the court to examine the petition irrespective of any written statement or denial and reject the petition if it does not disclose a cause of action. If the election petition does not contain precise, specific, and unambiguous pleadings disclosing a cause of action, it is liable to be dismissed in limine. Section 83(1)(b) mandates that when the

allegation of 'corrupt practice' is made, the petition shall set forth full particulars of the corrupt practice, including a statement of the names of the parties alleged to have committed such corrupt practice and the date and place of committing such corrupt practice. If the allegations contained in the petition do not set out the grounds as contemplated by Section 100 and do not conform to the requirements under Sections 81 and 83 of the Act, the petition is liable to be rejected under Order VII Rule 11. Unless the election petitioner comes forward with a definite plea of his case that the allegation of corrupt practice is supported by legally acceptable material evidence without an iota of doubt as to such allegation, the election petition cannot be entertained and will have to be rejected at the threshold.

18. In the present case, the allegations of illegality in accepting the nomination form are general in nature. No particulars are pleaded, naming the persons against whom the allegation of corrupt practices is pleaded. The pleadings in paragraphs 19 and 20 relied upon by the learned counsel for the petitioner are vague and not supported by any material particulars. The allegations regarding the manifesto

of respondent no. 7, and the false assurance given by him is not supported by any particulars.

19. The allegations regarding illegal acceptance of the nomination form and the corrupt practices against the respondent no. 7 are made without disclosing any basis for making such allegations, and the pleadings are not supported by any particulars which would amount to corrupt practices as contemplated under Section 100, read with Section 101 of the said Act, which would require any trial.

20. The contents of the present petition are vague, and the allegations of illegal acceptance of the nomination form and corrupt practices are baseless and frivolous. None of the contents and allegations in the petition satisfies the requirements of pleading material facts and particulars to support the allegation of corrupt practice. Thus, none of the contents of the petition would constitute any corrupt practice as contemplated under Section 123 of the said Act.

21. The pleadings with regard to the corrupt practice, as stated in Section 123 of the said Act, have to be precise, specific and unambiguous. If it is a corrupt practice in the

nature of undue influence, the pleadings must state the full particulars with regard to the direct or indirect interference or attempt to interfere by the candidate with the free exercise of any electoral right as stated in Section 123 (2) of the said Act.

22. Section 123 of the said Act defines corrupt practices that shall be deemed to be corrupt practices for the purpose of the said Act. Thus, to challenge an election on the ground of corrupt practices, the petition must contain material facts within the meaning of Section 123 of the said Act. Material pleadings and particulars must be sufficient, which would require a trial. Thus, in the absence of material particulars regarding the allegation of corrupt practices as contemplated under Section 123 of the said Act that would warrant a trial, the petition would be liable to be rejected at the threshold.

23. The petition contains a verification clause that says that whatever is stated is true and correct to the best of the petitioner's knowledge and belief. Thus, particulars of the petition containing a statement about the commission of corrupt practices and the particulars of the schedule containing the allegations based on personal knowledge and

based on information are not specifically pleaded by the petitioner. Section 83(1) read with the proviso mandates that the election petition shall contain a concise statement of material facts on which the petitioner relies by setting forth full particulars of any corrupt practices alleged.

24. In the present case, the election petition is bereft of any pleadings that the alleged corrupt practices have materially affected the election results. Thus, in the present case, as the election petition does not contain a definite plea of corrupt practices supported by legally acceptable material without any doubt of any such allegation, the election petition cannot be entertained and will have to be rejected at the threshold. Similarly, allegations of illegal acceptance of the nomination form are also vague, which would not require any trial.

25. I have carefully perused the contents of the petition. There are no material facts pleaded that can support the allegation of illegal acceptance of the nomination form or corrupt practices, which would constitute the cause of action to challenge the election in accordance with the provisions of the said Act.

26. Section 81 deals with the presentation of the petition. Sub-section (1) of Section 81 states that the election petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) of Section 100 and Section 101. It is a well-settled legal principle that the elected candidate should be put to notice of the allegation against him with full particulars, in as much as result of such allegation can be drastic. An election petition can oust a popularly elected representative of the people. Hence, full and complete particulars of the allegation of corrupt practice must be pleaded, that is sufficient to constitute a cause of action. Therefore, failure to plead material and full particulars must result in dismissal of the election petition at the threshold. Thus, the election petition is liable to be rejected at the threshold on the ground that it is hit by Order VII, Rule 11(a), of the CPC, read with Section 83 of the said Act.

27. Hence, for the aforesaid reasons, the election petition is rejected.

[GAURI GODSE, J.]