

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****SPECIAL CIVIL APPLICATION NO. 19092 of 2015**

=====

DHANUBEN GOVINDBHAI GAMIT....Petitioner(s)

Versus

STATE ELECTION COMMISSION &amp; 3....Respondent(s)

=====

Appearance:

MR APURVA R KAPADIA, ADVOCATE for the Petitioner(s) No. 1

MR VIJAY J SHAH, ADVOCATE for the Petitioner(s) No. 1

MR NIRAL R MEHTA, ADVOCATE for the Respondent(s) No. 1 - 2

UNSERVED-REFUSED (R) for the Respondent(s) No. 3 - 4

=====

**CORAM: HONOURABLE MR.JUSTICE AKIL KURESHI**

and

**HONOURABLE MR.JUSTICE MOHINDER PAL****Date : 26/11/2015 ORAL ORDER****(PER : HONOURABLE MR.JUSTICE AKIL KURESHI)**

1. Petitioner has challenged an order dated 14.11.2015 passed by the Returning Officer rejecting the petitioner's objection to the candidature of respondent Nos. 3 and 4 for election to Mandvi Taluka Panchayat, Ward No.14.

2. The State Election Commission declared the election program for conducting the election to the different municipalities, Taluka and District Panchayats in the State of Gujarat. As per the election program, the scrutiny of the nominations received by the last date was to take place on 14.11.2015. Last date of withdrawal of nominations was 16.11.2015. Voting would take place on 29.11.2015. The petitioner is one of the candidates for the said constituency. He objected to the nominations of respondent Nos. 3 and 4 on the ground that though required

under the rules for being qualified for contesting the said election, the said respondents did not have the operational toilet facility.

3. The Returning Officer, however, on the basis of Certificates produced by the said respondents which certificates were issued by Talati-cum-Mantri of the village, rejected the objections of the petitioner by the impugned order.

4. The issue thus concerns the acceptance of nominations of the contesting candidates which is part of the election process. The interference by the High Court even if permitted would be rare and exceptional. In the present case, when it is pointed out that Returning Officer relying on the certificate issued by the Talati-cum-Mantri, the competent authority for such purpose rejected the objections of the petitioner, no interference is called for. Essentially, these are issues which can and have to be examined once the result of the election is declared by instituting appropriate proceedings in nature of election petition provided under the rules.

5. We have not expressed any final opinion on the merits of the petitioner's objection. Petition disposed of accordingly.

**(AKIL KURESHI, J.)**

(MOHINDER PAL, J.)

ashish

