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WA-2757-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 25th OF AUGUST, 2026

WRIT APPEAL No. 2757 of 2026

RAJ MANI PATEL MISHRI LAL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Praveen Dubey, Advocate for appellant.

Shri Anubhav Jain, G.A. for the State.

Shri Bhagwan Singh Thakur, Advocate for respondent No. 3.
.....

ORDER

Per. Pradeep Mittal, J.

For the reasons stated in I.A. No. 18068 of 2026, an application for condonation of delay, the same is allowed and the delay of 43 days in filing the appeal is condoned.

W.A. No. 2757 of 2026

The present writ appeal has been filed against the order dated 18.03.2026 in W.P. No. 1252 of 2026 by the learned Single Judge whereby the writ petition filed by the writ petitioner/appellant has been dismissed.

2. Appellant's case, in substance, is that his nomination paper was duly scrutinized and accepted by the Returning Officer in accordance with the applicable election rules, and no objection was raised by Respondent No. 3 or any other candidate at the time of scrutiny. The appellant thereafter secured the highest number of votes, i.e., 2,174 votes, as against 1,672 votes secured by Respondent



No. 3, and was duly declared elected.

3. The Appellant contends that, after the election, respondent No. 3 challenged his election under Section 122 of the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993, alleging suppression of information relating to criminal cases, alleged default of cooperative bank dues, alleged liability arising out of proceedings concerning Jal Upbhogta Sansthan, and non-disclosure of certain financial and property-related information. The appellant denied all such allegations and submitted that he had already been acquitted in the criminal cases, had cleared the alleged cooperative bank dues, and had taken appropriate legal proceedings against the action of the Mining Department.

4. According to the appellant, the election petitioner failed to establish that any alleged defect or omission in the nomination papers materially affected the result of the election or that the votes secured by the appellant would have otherwise been cast in favour of respondent No. 3. The appellant further relies upon the substantial margin of 502 votes between himself and respondent No. 3 and submits that mere allegations regarding defects in the nomination or affidavit could not, by themselves, justify setting aside a duly conducted election without proof of material effect upon the result.

5. The appellant further contends that the District Collector, acting as the Specified Officer/Election Tribunal, was required to conduct the enquiry in accordance with Section 122 of the Act of 1993 read with Rule 11 of the Election Petition Rules, 1995. Instead, the District Collector directed the Sub-Divisional Officer (Revenue), Hanumana, to conduct the enquiry and submit a report. The appellant submits that such delegation of the statutory function was impermissible and vitiated the subsequent proceedings.

6. It is also the appellant's contention that the enquiry conducted by the



Sub-Divisional Officer was ex-parte, as no notice was issued to the appellant and no copy of the enquiry report was supplied to him. According to the appellant, the report substantially reproduced the allegations made by respondent No. 3 without any independent assessment or findings. Nevertheless, the Election Tribunal relied upon the said report and declared the appellant's election void without independently examining whether the alleged irregularities had materially affected the election result.

7. The appellant further submits that the Election Tribunal passed a cryptic, unreasoned and non-speaking order without recording specific findings on the statutory requirement of material effect upon the election result. The appellant asserts that the burden of establishing such material effect lay upon respondent No. 3, which was not discharged by producing any cogent or reliable evidence.

8. Lastly, the appellant submits that he had been acquitted in all the criminal cases much prior to the election and that most of the cases were connected with prohibitory proceedings and political agitations. Therefore, according to the appellant, the Election Tribunal erred in treating him as a person having a criminal antecedent and in setting aside the democratic mandate of the electorate on the basis of conjectures, surmises and unsubstantiated allegations.

9. The respondents, in substance, contend that the appellant/writ petitioner failed to disclose complete and material information required under Rule 31-A(2) of the Madhya Pradesh Panchayat Nirvachan Niyam, 1995, particularly regarding criminal cases and dues payable to the Government. It is submitted that the appellant furnished "Nil" in Columns 12 and 13 of the Nomination Form despite the existence of relevant criminal proceedings and other material information.

10. Respondent No. 3 submits that the Election Tribunal, upon



consideration of the material on record, rightly held that the appellant had suppressed material information and, consequently, was not eligible to contest the election. It is further contended that the alleged non-disclosure cannot be treated as a mere or minor discrepancy, particularly when the information was statutorily required to be disclosed.

11. In support of the aforesaid contention, respondent No. 3 has relied upon the judgments of the Hon'ble Supreme Court in *Union of India v. Association for Democratic Reforms*, (2002) 5 SCC 294, *People's Union for Civil Liberties v. Union of India*, (2003) 4 SCC 399, and *Poonam v. Dule Singh*, (2026) 3 SCC 732, as well as the decision of this Court in *Rakesh Pandey v. Rishiraj Mishra & Others*, W.P. No. 23715/2024, subsequently affirmed in W.A. No. 742/2026. According to respondent No. 3, these decisions support the proposition that a candidate is required to make full and truthful disclosure of the prescribed information and that suppression of material particulars can have serious consequences for the validity of the election.

12. Respondent No. 3 has also relied upon additional documents filed along with I.A. No. 2784/2026, in the writ petition, including the notice dated 04.06.2022 and the reply thereto dated 22.06.2022 relating to the externment proceedings initiated against the appellant. It is contended that these facts were also not disclosed by the appellant.

13. The State has supported the impugned order and submitted that the entire election record demonstrates that the appellant failed to disclose the requisite details of criminal cases, whether pending or decided, and instead mentioned "Nil" in Columns 12 and 13 of the Nomination Form. Relying upon the judgment in *Association for Democratic Reforms* (supra), the State submits



that complete and relevant information was mandatorily required to be furnished by the appellant.

14. Accordingly, the respondents contend that the Election Tribunal rightly concluded that the appellant had materially suppressed the required information and was not eligible to contest the election. They therefore submit that the impugned order calls for no interference in the present writ appeal and pray for its dismissal.

15. The learned Single Judge, upon consideration of the pleadings, record, and applicable provisions, held that the absence of an objection at the stage of scrutiny does not bar a subsequent challenge to the improper acceptance of a nomination under Rule 21 of the Election Petition Rules, 1995. It was further held that Rule 31-A of the Nirvachan Rules, 1995 is mandatory and that non-compliance therewith, including failure to disclose relevant criminal antecedents, may render a nomination liable to rejection. Relying upon *Poonam v. Dule Singh* and *Union of India v. Association for Democratic Reforms*, the learned Single Judge observed that such disclosure is essential to enable voters to make an informed choice. Where the nomination of the returned candidate himself is improperly accepted, the result of the election is materially affected, as he could not have contested or been elected had his nomination been rejected.

16. It was further held that in the present case, although the appellant disclosed certain criminal cases and subsequently produced orders of acquittal, Crime No. 373/2011 was pending on 04.06.2022, the date of filing of the nomination, and the appellant was acquitted only on 13.10.2022, after the election. The learned Single Judge therefore held that the appellant's failure to disclose the pending criminal case amounted to furnishing incomplete and incorrect information and constituted non-compliance with the mandatory



requirements of Rule 31-A. Consequently, the nomination was liable to be rejected at the threshold, its acceptance by the Returning Officer was improper, and the Election Tribunal was justified in declaring the appellant's election invalid.

17. Having considered the rival submissions, the record and the findings of the learned Single Judge, we find no error warranting interference. Rule 31-A of the Madhya Pradesh Panchayat Nirvachan Niyam, 1995 mandates disclosure of the prescribed particulars, including pending criminal cases. Admittedly, Crime No. 373/2011 was pending on 04.06.2022, when the appellant submitted his nomination form, and he was acquitted only on 13.10.2022. The failure to disclose the pendency of the said case amounted to non-compliance of the mandatory requirement of Rule 31-A. Consequently, the nomination paper was liable to be rejected at the threshold, and its acceptance by the Returning Officer was improper. The subsequent acquittal does not cure the omission, as the relevant date for disclosure was the date of filing of the nomination.

18. Appellant The appellant argues that Column Nos. 12 and 13 of the nomination form require disclosure only of cases resulting in conviction and the number of pending criminal cases, respectively. Therefore, according to the appellant, mentioning "Nil" in both columns was correct, and no further details were required. It is, however, admitted that the appellant did not provide the requisite details in Column Nos. 11 and 12. It is also admitted that, on the date of filing the nomination form and affidavit, a criminal case was pending against the appellant before the competent court. Therefore, the contention of the appellant that Column No. 12 was correctly filled in as "Nil" is not acceptable. The failure to disclose the pending criminal case amounts to suppression of material facts.

19. The Collector afforded the appellant a proper and reasonable



opportunity of hearing. The appellant filed a reply to the petition, and after hearing the parties, the Collector passed the impugned order. Therefore, it cannot be said that the impugned order was passed without affording the appellant a proper opportunity of hearing. The Collector passed the order after conducting an enquiry and perusing the documents available on record. The Collector found that the appellant had filed the nomination form along with an affidavit in which Column Nos. 11 and 12 were mentioned as “Nil” on 04.06.2022. However, on the said date, Criminal Case No. 10611/12 was pending against the appellant before Shri Vino Kumar Choudhary, Judicial Magistrate First Class, Hanumana. Further, a recovery order for an amount of Rs. 13,55,146/- had been issued on 04.03.2022 by the Executive Engineer, Additional Prava Nahar, Rewa. Both these material facts were suppressed by the appellant. A penalty of Rs. 2,40,000/- was also imposed upon the appellant under Section 53(1)(5) of the MMDR Act, 1956. The appellant also failed to disclose whether the said penalty amount had been deposited or not. Thus, the appellant suppressed material facts which were required to be disclosed in the nomination form and accompanying affidavit.

20. The aforesaid omissions cannot be treated as mere minor defects or irregularities in the nomination form. The deliberate suppression of material facts amounts to a serious violation of the disclosure requirements and constitutes a corrupt practice.

21. The appellant raised an objection that the Collector had no jurisdiction to investigate the dispute relating to the election petition. It was contended that the Collector had called for a report from the SDO, which was without jurisdiction, and that the impugned order passed by the Collector was based upon the said report. Therefore, according to the appellant, the order passed by the Collector



was without jurisdiction.

22. In support of this contention, the appellant relied upon the judgment reported in (1994) 5 SCC 346, **Sahani Silk Mills (P) Ltd. and Others v. Employees' State Insurance Corporation**, wherein it was held that a delegated power cannot be further delegated.

23. The aforesaid judgment does not support the case of the appellant. In the present case, the Collector applied his independent mind and took an independent decision on the election petition after considering the material available on record. The Collector did not merely act upon the report submitted by the SDO. Moreover, it was not disputed before the Collector that the appellant had suppressed material facts in the nomination form and the accompanying affidavit. Therefore, the contention that the order passed by the Collector was without jurisdiction merely because a report had been called for from the SDO is not sustainable.

24. The appellant argues that no proper opportunity of hearing was afforded to him and that the principles of natural justice were not followed. In support of this contention, the appellant relied upon the judgment reported in (2010) 9 SCC 496, **Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan and Others**, wherein it was held that a non-speaking order is violative of the principles of natural justice.

25. The aforesaid judgment also does not support the case of the appellant. In the present case, the order passed by the Collector is based upon the facts admitted on record. The appellant was afforded a proper and reasonable opportunity of hearing and was also permitted to submit his reply. The Collector, after considering the reply and the material available on record, passed the impugned order. Therefore, there is no violation of the principles of natural



justice.

26. The appellant argues that the Returning Officer erroneously accepted the nomination form of the appellant and that such acceptance did not materially affect the result of the election. In support of this contention, the appellant relied upon the judgment reported in (1988) 2 SCC 12, **Shiv Charan Singh v. Chandra Bhan Singh**, wherein it was held that the mere fact that the number of votes polled by a candidate whose nomination was improperly accepted was greater than the margin of votes by which the returned candidate was elected, and that such candidate secured the next highest number of votes, is not by itself conclusive proof that the result of the election was materially affected. The aforesaid judgment also does not support the case of the appellant. In the present case, the nomination of the returned candidate himself was improperly accepted, whereas, in the aforesaid judgment, the nomination of the candidate who had secured the next highest number of votes was improperly accepted. Therefore, the facts and circumstances of the present case are distinguishable from those of the case relied upon by the appellant. Consequently, the said judgment is of no assistance to the appellant.

27. The main objection raised by the appellant is that the criminal case which was not disclosed in the affidavit and nomination form did not involve a serious offence and, therefore, was not required to be disclosed in the said forms.

28. In support of this contention, the appellant relied upon the judgment reported in (2024) 17 SCC 452, **Ravi Namboothiri v. K.A. Bainu and Others**, wherein it was held that where a successful candidate fails to disclose a previous conviction for a substantive offence under the IPC or any other law, his election may be declared void in law; however, non-disclosure of an offence which does not fall within the scope of Section 100(1)(d) of the Representation of the People



Act, 1951, would not, by itself, render the election void.

29. The aforesaid judgment does not support the case of the appellant. In the present case, a criminal case was pending against the appellant under Sections 294, 506, 327 and 323/34 of the IPC. These are substantive offences, and the pendency of the said criminal case was a material fact required to be disclosed in the nomination form and the accompanying affidavit. The appellant admittedly failed to disclose the said criminal case. Therefore, the reliance placed upon the aforesaid judgment is misplaced and is of no assistance to the appellant.

30. The appellant also contended that minor deficiencies or irregularities, by themselves, cannot be sufficient to declare his election void, particularly when he had secured 21,274 votes, whereas the respondent had secured only 1,672 votes. In support of this contention, the appellant relied upon the judgment of this Court in **Election Petition No. 6/2024, Ram Gareeb v. Ajay**.

31. The aforesaid judgment also does not support the case of the appellant. In the present case, the omission on the part of the appellant cannot be treated as a mere minor discrepancy or technical defect. The appellant suppressed material information regarding the pendency of a criminal case and his liability towards payment of dues to the Government. Such suppression of material facts goes to the root of the matter and cannot be treated as a minor irregularity in the nomination form or affidavit. Therefore, the number of votes secured by the appellant is of no consequence when the election is challenged on the ground of suppression of material facts.

32. We further find that the absence of an objection at the stage of scrutiny does not bar a challenge to the improper acceptance of the nomination under Rule 21 of the Election Petition Rules, 1995. Since the nomination paper of



the returned candidate himself was improperly accepted, the election result stood materially affected, as the appellant could not have contested or been elected had his nomination been rejected. The plea regarding the margin of votes, therefore, does not advance the appellant's case. The procedural objections regarding the enquiry and the enquiry report also do not undermine the substantive finding of statutory non-compliance, nor has any prejudice sufficient to vitiate the proceedings been established.

33. Accordingly, we find that the learned Single Judge has rightly appreciated the facts and law and committed no error in upholding the order of the Election Tribunal. No perversity, jurisdictional error or manifest illegality has been demonstrated warranting appellate interference. The appeal is, therefore, dismissed, and the orders of the learned Single Judge as well as the order of the Election Tribunal are affirmed. There shall be no order as to costs.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

(PRADEEP MITTAL)
JUDGE

MSP