

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5751 OF 2015
WITH
CIVIL application NO. 6559 OF 2015

SUDAM GUNAJI BANGAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Bangar Nilkanth P.
AGP for Respondents 1 to 5: Mr. K.M. Suryawanshi
Advocate for Respondent No.6 : Mr. C.V. Thombre
Advocate for intervenor : Mr. R.S> Deshmukh (in C.A. No. 6559 of 2015)

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 16th JUNE, 2015

P.C. :-

1. Mr. Bangar, the learned counsel for the petitioners submits that the petitioner had specifically raised objection to the voters list about inclusion of 220 voters in the voters list. According to the petitioners, they are not valid voters nor they were members in between 31.1.2012 to 31.1.2014. Their names could not have been included in the voters list. The Returning Officer has not considered the said objection. Even 135 valid voters are not included. The said objection also has not been dealt with properly by the Returning Officer.

2. Mr. Thombre, the learned counsel for respondent No.6 submits

that 220 members who are included in the voters list as individual members, they are valid members. Mr. Deshmukh, learned counsel for intervenors submits that all stages of process of elections except voting should conclude. Even the stage of voting would not be necessary as there are 13 posts and 13 are the only contesting candidates.

3. The petitioners cannot be faulted at this stage on the ground that the process of election has processed further. The petition is filed on 7.5.2015 and the matter is being heard thereafter.

4. It is submitted that the polling is scheduled on 28.6.2015. Without disturbing the election process, the objection of the petitioners can be dealt with by the Returning Officer. In the light of that, we pass the following order:-

ORDER

- I. The Returning Officer shall decide the objection of the petitioners about inclusion of 220 members in the voters list, as was raised by them vide their objection (Exh. D pages 47 to 54). The said objections be decided before 20.6.2015 after hearing the responsible officer of respondent No.6 and the petitioners.

- II. The parties shall appear before him. The petitioners, respondent No.6 and whoever is interested, shall appear before the Returning officer on 18.6.2015 and put forth their submissions alongwith the relevant record/evidence and the Returning Officer shall, after hearing them, decide it positively on or before 20.6.2015.
- III. As far as the decision with regard to 135 members is concerned, the Returning Officer observed that it is for those members who feel that their names are not included, to challenge the same. We do not find any irregularity to interfere with the same at this stage.
- IV. With these directions, writ petition stands disposed of. No costs.
- V. In view of disposal of writ petition, civil application also stands disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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