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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7032 OF 2015

Ganesh Sahebrao Jagtap & Others

PETITIONERS

VERSUS

The State of Maharashtra & others

RESPONDENTS

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Mr. S. S. Thombre, Advocate for the petitioners

Mr. S. K. Tambe, AGP for respondent State

Mr. V. D. Salunke, Advocate for R-10 to 13, 15, 16, 28, 33

Mr. M. S. Karad, Advocate for R-14, 18 to 24, 30 and 34

Mr. H. D. Deshmukh, Advocate for respondent No.4

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 17th JULY, 2015

ORDER :

1. A *pursis* is tendered across the bar on behalf of petitioners No.10 and 11 by advocate Mr. V. H. Solanke, for withdrawal from writ petition and deletion of names of the petitioners, which is taken on record and marked "X" for the purpose of identification. In view of the same, Mr. Thombre, learned advocate, stands discharged from appearance on behalf of petitioners No.10 and 11. Names of petitioners No.10 and 11 stand deleted from the title clause of the petition.
2. After hearing learned advocates for the parties, the

situation emerges that the list, which is being sought to be relied on, as annexed to the writ petition at page 23 is submitted to have been prepared under the circumstances referred to in paragraph No.3 of the affidavit in reply filed by respondent No.4 – Mr. S. E. Choudhari, who was the then returning officer. It is further being contended on behalf of Mr. Choudhari that said list had never been published according to rules. It is also being submitted that a list of valid forty seven candidates had been published on execution of Panchanama on 8th July, 2015, according to rules.

3. Learned advocates for the respondents also support aforesaid submissions.

4. Mr. Thombre, learned advocate for the petitioner, however submits that the allegation of threat as has been referred to in the affidavit in reply of respondent No.4 – Mr. S. E. Choudhari, is not correct and is absolutely manufactured and bogus and states that submissions on behalf of respondent No.4 – Mr. S. E. Chaudhari, the then Returning officer, are being made just to wriggle out of the situation. There is neither veracity in the same nor any substance. As a matter of fact, it establishes that such a list had been prepared by him.

5. Since it appears that all these episodes are shrouded and a lot of disputed questions of fact also emerge, it would not be proper, at this stage of elections, which has reached that of polling, for this court to interfere with the elections.

6. Under the circumstances, writ petition is not being entertained and is rejected. This order would not be an impediment for the petitioners to take up proceedings as would be available under law, in respect of statements appearing in the affidavit in reply. Writ petition stands disposed of.

[SUNIL P. DESHMUKH, J.]