

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5182 OF 2015

Basgonda Rudrappa Birajdar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. S. Aradhya, for the Petitioner.

Mr. S. S. Inamdar, for the Respondent No.4.

Ms. M. S. Bane, "B" Panel Counsel for the Respondent – State.

CORAM : R.M. SAVANT, J.

DATE : 26th JUNE, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 05.06.2015 passed by the District Co-operative Election Officer, by which order the objection in respect of the inclusion of 178 persons in the voters list filed by the Petitioner was rejected. The objection of the Petitioner was to the effect that the said 178 persons have been wrongly included as they are not residing within the area of operation of the Respondent No.4 society and that some of them are residing at Taluka Jath in Sangli District and some in Taluka Karmala in Solapur District. This objection was raised by the Petitioner on the basis of the voters list for the assembly elections of the year 2015 and affidavit has been filed on behalf

of the Respondent No.4, in which it has been stated that the voters list for the assembly elections in the year 2014 shows that most of the persons are residents of village Maroli, Taluka Mangalwedha, District Solapur. Hence, in so far as the said aspect is concerned, the same is a contentious issue between the parties and the adjudication of the said issue would entail an adjudication of disputed questions of fact. It is also required to be noted that the election programme is at the stage where scrutiny of nominations has taken place yesterday i.e. 25.06.2015 and that the list of validly nominated candidates is to be published on 13.07.2015 and voting would take place on 22.07.2015. Hence, considering the stage at which the election programme is at present and for the reasons stated in the earlier part of this order, no interference is called for in the Writ Jurisdiction of this Court. The Writ Petition is accordingly dismissed. However, it would be open for the Petitioner to adopt appropriate remedy after the elections are over if the occasion so arises. Needless to state that if any such proceedings are filed the same would be tried on their own merits and in accordance with law.

[R.M. SAVANT, J]