

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1765 OF 2015

(Rajendra Shriramji Rajnekar Vs. District Co-Op. Election Officer, Amravati & others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

**CORAM : B. P. DHARMADHIKARI
AND S. B. SHUKRE, JJ.**

DATED : 08 APRIL, 2015

1. Heard Advocate Shri Dhore for the petitioner, Advocate Shri Gawande for the proposed intervenor and Shri Rode, A.G.P. for respondent Nos. 1 and 2.
2. The elections of respondent No.3-Society are scheduled on 23/4/2015. The petitioner is contesting that election. He objected to the provisional list of voters by pointing out that the names of 38 persons, who are not local residents, have been erroneously added. Contention that, objection has still not been enquired into and those wrong persons are being permitted to cast votes.
3. Learned A.G.P. states that he has received the instructions and he is seeking time to file reply.
4. Advocate Shri Gawande for the proposed intervenor is opposing the contention. The proposed intervenor is the president of respondent No.3-Society.

5. The petitioner has not pointed out total numbers of the voters who will cast their votes on 23/4/2015. Similarly, those 38 persons whose names are sought to be deleted are not parties before this Court. If it is presumed that the petitioner seeks only an enquiry, the enquiry is being sought to disturb list finalized by the Returning Officer. Withdrawal of nomination is scheduled on 09/4/2015.

6. In this background, question, whether proposed election will be materially affected by inclusion of these 38 names is the cardinal issue and we are not in position to resolve it in this jurisdiction. Hence, with liberty to the petitioner to raise it after the election is over before the appropriate forum, we dispose of the petition. No costs.

JUDGE

JUDGE