

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6654 OF 2016

Sarjerao Rambha Landge

PETITIONER

VERSUS

The State of Maharashtra & others

RESPONDENTS

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Mr. S. S. Thombre h/f Mr. M. S. Karad, Advocate for petitioner

Mr. B. A. Shinde, AGP for respondent-State

Mr. S. K. Kadam, Advocate for respondents No.2 to 4

Mr. P. S. Dighe, Advocate for respondent No.5

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 22nd JULY, 2016

ORDER :

1. Heard learned advocates for the parties.
2. The petition has been moved objecting to enrollment of respondents No.6 to 69 as voters in the list for elections to respondent No.5 society contending that their names do not appear on record nor they have paid fee of Rs.10 as is required and further that their names do not appear in provisional voters' list.
3. Upon aforesaid objection, an order came to be passed on 15th June, 2016 by the election officer – respondent No.4

referring to that deletion of names of said persons had been objected to and upon that concerned record had been verified by the officer and had found that their names are appearing in the membership register.

4. Mr. Thombre, learned advocate for the petitioner has urged to consider that the votes being cast by those persons be put in a separate ballot box and their fate be decided after decision in the writ petition. However, it will have to be considered that as on the date, said persons are not before this court, albeit, it is being contended by learned advocate for the petitioner, said persons are avoiding service of the writ petition.

5. It does not appear to be a case at this stage to cause any interference when the facts appear to be disputed with regard to membership of said persons. When in inquiry of summary nature it has been found that said persons are voters, it would not be proper to cause any interlude in the election programme, which is in its final stage in the sense that voting is scheduled tomorrow.

6. In view of aforesaid, I am disinclined to indulge into the request being made by learned advocate for the petitioner. Writ petition, as such, stands rejected leaving it open to the

petitioner to take resort to proper remedies including an election petition. Needless to refer to that all the points are kept open.

[SUNIL P. DESHMUKH, J.]

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