

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9500 OF 2016

Eknath S/o Pundlik More and others

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr.D.S. Bagul advocate for the petitioners
Mr.S.G. Karlekar, AGP for Respondent State
Mr. P.S. Chavan advocate for respondent No.5
Mr. S.K. Kadam advocate for respondent
Mr. A.V. Hon advocate for respondent No.6

CORAM : R.M. BORDE &
V.K. JADHAV, JJ

(Date : 4th October, 2016.)

PER COURT :-

1 As per the programme of election, the recording of votes is scheduled on 7.10.2016. The petitioners contend that, on the cut-off date prescribed for preparation of electoral rolls, the petitioners were eligible for inclusion of their names in the list of voters. However, their names have been deleted mala fide.

2 The provisional list of voters is prepared on 22.2.2016 on which date, according to the respondents, the action under section 77-A was already taken and the office bearers were removed and in their place, Administrator came to be appointed.

3 The petitioners object to the orders, appointing Administrator under section 77-A, contending that those orders are malafide and have been created to suit the purpose and to oust the petitioners from the process of election. The petitioners also contend that, it was an error to displace them from voters list in the manner that has been done by the Election Officer.

4 The questions raised relating to inclusion of names of the petitioners in the voters list need to be scrutinized after conducting a fact finding enquiry, which need not be undertaken in exercise of extraordinary jurisdiction under article 226 of the Constitution of India. Since the recording of votes is prescribed just two days hereinafter and all the stages of election are over, keeping open the option of the petitioner to object to the election, after the process is complete, the writ petition stands disposed of.

(V.K. JADHAV, J)

(R.M.BORDE, J)