

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11807 OF 2016

Pathan Nadir Khan Nanne Khan

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

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Mr. Y.V. Kakde, Advocate for petitioner.

Mr. S.K. Tambe, A.G.P. for Respondent Nos.1 to 4.

Mr. R.M. Deshmukh, Advocate for Respondent No.5.

Mr. S.S. Shete, Advocate for Respondent Nos. 6 to 64.

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CORAM : T.V. NALAWADE, J.

DATED : 14th DECEMBER, 2016

ORDER :

1. The petition is filed to challenge the order made by the Returning Officer and the order made by the District Deputy Registrar, Co-operative Societies, Jalna. Both sides are heard.

2. In the elections which are to be held for Agriculture Produce Market Committee, Ghansawandi, District Jalna, provisional list of voters for constituency of Hamal and Weighmen was published on 23rd September, 2016. It appears that in all 64 members applied to the Returning Officer for adding their names by contending that they had

become members of the constituency. The application was directed to be made to the Chairman of the marketing committee and then record was supplied to the Returning Officer for membership of these persons. Licenses were issued to them as per the resolution made by the Managing Committee dated 23rd May, 2016 and they had paid necessary subscription.

3. It is the case of the present petitioner that false record was created of resolution and even of the receipts and names of those 64 persons are added. He showed particular instance of Bhagwat Ambadas Yede who is shown as member in this constituency and also the constituency of Weighmen. The Returning Officer considered the record like resolution, receipts, etc. and made order to include these 64 persons in the voters list. The Appellate Authority has confirmed this order.

4. There is record of aforesaid nature in support of the persons who are now included in the voters list. There is only allegation by petitioner that false record is prepared with malafide intention. At this stage it is not possible to go into the details of the allegations and there is sufficient record in support of the order made by the Returning Officer.

5. This Court sees no reason to interfere in the order made by the Returning Officer which is confirmed by the Appellate Authority. Petition stands dismissed.

(T.V. NALAWADE, J.)

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