

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

WRIT PETITION NO. 11857 OF 2016

Prakash s/o Sopan Tanawade

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. V.P. Kadam, advocate for petitioner.

Mr. S.B. Joshi, AGP for the State.

Mr. S.K. Kadam, advocate for respondents 2, 3 and 5.

Mr. V.H. Dighe, advocate holding for Mr. K.D. Bade Patil, advocate for respondent no. 4.

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CORAM : R.M. BORDE &

Z.A. HAQ, JJ.

DATE : 9th DECEMBER, 2016.

PER COURT :

It is informed by learned counsel for State Election Authority that the process of election is at advanced stage and the votes are scheduled to be recorded on 18.12.2016. It is further informed that recording of votes were to be recorded on 14th November, 2016, however, due to interference in the process of election by the interested voters, the process had to be abandoned. Appropriate action has also been initiated against the officer responsible for taking decision of postponement of election. It is observed that the democratic process of election is not being observed and there are hindrances created by the interested parties in the ongoing process of election. It would be open for the State Election authority to take help from the law and order machinery for smooth conduct of election. Since it is

observed that there are impediments created in the democratic process of holding of election, in our opinion, no interference need be caused in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India. Writ petition is devoid of substance hence stands rejected.

(Z. A. HAQ)
JUDGE

(R. M. BORDE)
JUDGE

dyb