

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITIONER STAMPNO.30878 OF 2016**

**Mainuddin Shamshoddin Bagwan : Petitioner.**  
**versus**  
**Voters' Registration Officer**  
**Sangli/Satara Local Self Government Constituency**  
**Office of District Collector & District Election**  
**Officer, Sangli and anr. : Respondents.**

**Mr. U R Mankapure i/by Mr. A M Kulkarni for the Petitioner.**  
**Mr. S D Rayrikar AGP for the Respondent No.1.**  
**Ms. D S Mondkar Hule i/by Mr. S B Shetye for the Respondent No.2.**

**CORAM : R. M. SAVANT, J.**  
**DATE : 16<sup>th</sup> November 2016**

**P.C.**

1           The writ jurisdiction of this Court is invoked against the order dated 02/11/2016 passed by the Respondent No.1 i.e. the Voters' Registration Officer Sangli/Satara who is the District Collector by which order the Petitioner's application for inclusion of his name as a voter for the election to be held for the Maharashtra Local Authorities Constituency in so far as Sangli/Satara area is concerned, came to be rejected.

2           The Petitioner has been disqualified as a councilor pursuant to the order dated 12/02/2016 passed by the learned Civil Judge, Senior Division, Sangli, in Election Petition No.17 of 2013. The Petitioner has challenged the said order dated 12/02/2016 by filing Writ Petition Stamp No.6743 of 2016.

The said Writ Petition was heard along with the other Writ Petitions filed by the Petitioner concerning his said disqualification. In the said Writ Petitions a notice came to be issued and by way of ad-interim order the stay to the disqualification which was granted by the learned Civil Judge Senior Division Sangli which was in operation was continued subject to the condition that the Petitioner would not participate in the proceedings of the Municipal Corporation or draw allowances until further orders of this Court. The said order dated 10/03/2016 was clarified by the order dated 29/04/2016 in the Civil Applications filed by the Petitioner and the clarification issued was that, the Petitioner is entitled to attend the meetings, but would not be entitled to vote in the meetings of the Corporation or of any Committee of the Corporation of which he is a member and would also not draw allowances. Hence the Petitioner was restrained from voting in the meetings or drawing allowances but was held entitled to attend the meetings and participate in the discussion.

3            In view of the ensuing election to the upper house of the Maharashtra Legislative Assembly from Maharashtra Local Authority Constituency that the Petitioner filed the instant application for inclusion of his name. The said application has been rejected by the impugned order and the rejection is principally on the ground of the fetters or restrictions that have been imposed on the Petitioner in the matter of voting in the meetings of the

Corporation or Committees of the Corporation and drawing allowances.

4           The learned counsel appearing for the Petitioner would contend that since the order of disqualification of the Petitioner has been stayed, the Petitioner is entitled to have his name included in the voters' list for the said Maharashtra Local Authorities Constituency.

5           In my view, it is not possible to accept the said contention having regard to the fact that the order has been passed disqualifying the Petitioner and that the said order has been stayed, but the same is subject to the fetters or restrictions that have been imposed on the Petitioner. If the Petitioner is not entitled to vote in the meetings of the Corporation or the Committees of the Corporation and draw allowances, obviously he cannot be permitted to participate in the election to the Maharashtra Local Authorities Constituency for which the Corporators of the concerned Municipal Corporations and Municipal Councils are the electors. The order passed by the Respondent No.1 herein being based on the order passed by this Court in the Writ Petitions filed by the Petitioner, in my view, no interference is called for with the impugned order. The above Writ Petition is accordingly dismissed.

**[R.M.SAVANT, J]**