

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 4474/2016

(Vipulkumar Nandkumar Bagdi and another vs. State Election Commission and another)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 of directions and Registrar's orders

Court's or Judge's order

Mr. S.D.Chande, Advocate for petitioners
 Mr.Amit Balpande, Assistant Government Pleader for Res. Nos.
 2,3 and 4

**CORAM : SMT. VASANTI A NAIK &
 MRS. SWAPNA JOSHI, JJ.**
DATED : 5th August, 2016

Heard.

By this Writ Petition, the petitioners challenge the order of the Tahsildar-Returning Officer thereby rejecting the objection filed by the petitioners against the wrongful inclusion and exclusion of the names of the members in the provisional voters list.

It is stated on behalf of the petitioners that the objection of the petitioner no.2 to the provisional voters list for the Gram Panchayat election was decided without granting a hearing to the petitioners and the objection sought to be filed by the petitioner no.1 on 19.7.2016 was not accepted by the Respondent - Tahsildar, at all.

Shri Amit Balpande, the learned Assistant Government Pleader states on the basis of the record and proceedings that are produced in the Court today, that the objection of the petitioner no.2 was rejected as it was vague, as he did not mention the names of the members that were wrongfully included or excluded from the voters list. It is stated that the

petitioners have mislead this Court by making an averment that the petitioner no.1 sought to file an objection by the application dated 19.7.2016. It is stated that such an objection was never submitted to the Tahsildar, at all. It is stated that there is no question of non-acceptance of objection, if it is sought to be submitted by an aggrieved party or a voter.

On hearing the learned counsel for the parties, we find that no case is made out for interfering with the election process. There is nothing wrong with the action on the part of the Election Officer in rejecting the objection of the petitioner no.2. We find that the objection is as vague as it could be. We do not accept the submission made on behalf of the petitioners that the petitioner no.1's objection was not accepted by the Tahsildar, though he tried to submit the same.

We also do not find any merit in the challenge to the notice dated 25.7.2016. We find that the election programme is already declared and the nominations are to be filed today. It is well-settled that it would not be proper on the part of the Court to interfere with the election process in exercise of the writ jurisdiction after the election process is set in motion. The petitioners merely claim to be the voters and it is not their case that their names are not included in the voters list.

Since we do not find any merit in the submissions made on behalf of the petitioners, we dismiss the Writ Petition, with no order as to costs.

JUDGE

JUDGE

C E R T I F I C A T E

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.”

Uploaded by: N.B.Sahare
P.S.

Uploaded on: 12.08.2016.