

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5649/2016

(RAMESH DAULATRAO THAKRE & OTHERS VERSUS STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri R.L. Khapre, counsel for the petitioners.
Shri A.A. Madiwale, A.G.P. for the R-1 to 4.
Shri A.P. Thakare, counsel for the Intervenor.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : DECEMBER 6, 2016.

By this writ petition, the petitioners have challenged the final voters list published by the respondent no.3-District Cooperative Election Officer, Yavatmal, dated 17.09.2016.

Shri Khapre, the learned counsel for the petitioners, submitted that the final voters list is not in consonance with the order passed by the District Cooperative Election Officer, on 25.07.2016. It is stated that the District Cooperative Election Officer included the names of some persons in the final voters list though they had not objected to the non-inclusion of their names in the provisional voters list. It is stated that in the absence of any objection, the names of certain persons could not have been included in the final voters list.

Shri Madiwale, the learned Assistant Government Pleader appearing for the District Cooperative Election Officer, fairly admits that the names of certain persons are included in the final voters list as members though they had not objected to the non-inclusion of their names in the

provisional voters list. It is stated that the District Cooperative Election Officer had included the names of sixteen persons, whose names found place in the list of 381 members and also included the names of sixteen persons, whose names did not find place in the list of 381 members, in the final voters list.

Though we would not have normally interfered in the election matter and would have asked the parties to avail the alternate remedy after the conclusion of the election, since the error committed by the District Cooperative Election Officer is manifest, we have entertained the writ petition. It is apparent from the statements made by the learned Assistant Government Pleader that the District Cooperative Election Officer has not prepared the final voters list in accordance with law. Though the District Cooperative Election Officer should have prepared the final voters list by considering his order dated 25.07.2016 and the objections raised by the persons to the provisional voters list, it appears that the District Cooperative Election Officer has prepared a final voters list including the names of certain persons, whose names were not included in the provisional voters list and who had not objected to the provisional voters list. Also, from the statement made by the learned Assistant Government Pleader, it appears that certain persons, whose names were included in the list of 381 members and certain persons, whose names were not included in the list of 381 members, were also included in the final voters list, without considering the order passed by the District Cooperative Election officer, on 25.07.2016. We find that the preparation of the final voters list by the District Cooperative Election Officer is bad in law

and it would be necessary to direct the District Cooperative Election Officer to prepare a final voters list in accordance with law.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The District Cooperative Election Officer is directed to prepare a final voters list in accordance with law as early as possible.

Order accordingly. No costs.

JUDGE

JUDGE

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