

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.512 OF 2017

Annasaheb S/o Sukhdev Markad

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.K.B. Jadhav advocate for the petitioner

Mr.S.R. Yadav, AGP for Respondent No.1 and 3

Mr. S.K. Kadam advocate for respondent No.2

CORAM : V.M. KANADE &

SANGITRAO S. PATIL, JJ

(Date : 20th January, 2017.)

PER COURT :-

1 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of respondent No.2.

2 The grievance of the petitioner is that, respondent Nos.5 to 9 are defaulters and therefore are not entitled to vote in the election to be held on 22.1.2017. It is submitted that, initially during scrutiny, it was found that respondent Nos. 5 to 9 are not defaulters. However, subsequently, it turned out that the cheques issued by them were dishonored and therefore, the Assistant Registrar – Cooperative Societies gave opinion that since the cheques were dishonored and bank has given a memo stating therein that, dishonoring of cheques was on account of

insufficiency of funds in their accounts, their names are required to be removed from the final voters list.

3 On the other hand, it is submitted on behalf of respondent No.2 that, it is a disputed question of facts, since after proper scrutiny, their names were included.

4 We are not sure as to whether observations made by the Assistant Registrar are correct or not. Since it is submitted that, the election programme is already declared and election is to take place on 22.1.2017, at this stage, election can neither be stalled, nor can order be passed granting stay to their rights to vote. In our view, there is much substance in the submission made by learned counsel for respondent No.2. Since the elections are now scheduled to be held on 22.1.2017, we are not inclined to entertain this petition. We, however, reserve right of the petitioner to file election petition in the event he loses.

5 Petition is disposed of.

(SANGITRAO S. PATIL, J)

(V.M. KANADE, J)