

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.277 OF 2017

Siddharam Rachapa Yelshetty & Ors. .. Petitioners

-Versus-

State of Maharashtra & Ors. ..Respondents

Mr. Girish Godbole with Drupad Patil and Akshay Petkar and Sumit Kothari for petitioners

Mr. A.Y.Sakhare, Senior Advocate with Mr. A.G.Vagyani, GP with Ms. N.M.Mehra, AGP for State Respondent Nos. 1, 3 and 4.

CORAM : SHANTANU S. KEMKAR &
PRAKASH DEU NAIK JJ.

DATE : 11th January 2017.

P.C.

1] Leave to amend to correct designation of respondent No.4, Deputy Registrar is allowed. Amendment be carried out forthwith.

2] Heard parties through their Counsel. Feeling aggrieved by the communications dated 23rd September 2016 (Exhibit "D") sent by respondent No.4, petitioners have filed this petition.

3] The grievance of the petitioners is that though the names of petitioners are required to be included in the voters' list but the same have not been included in the provisional voters' list of petitioners. According to the petitioners, the reasons stated in the impugned communications dated 23rd September 2016 are not sustainable.

4] Learned Senior Counsel appearing for respondent Nos. 1, 3 and 4 submits that the said communications are not having any binding effect on the Collector – competent authority – while considering and deciding the objections to the provisional voters' list and while finalising the said list. He however, on instructions submits that in fact the said communications may be treated as withdrawn. In view of the aforesaid we treat the said communications dated 23rd September 2016 addressed to the petitioners as withdrawn.

5] As agreed by learned Counsel for the parties, we dispose of this petition by directing the competent authority/ respondent No.3 to consider petitioner's objections to the provisional voters' list claiming their inclusion in the final list in accordance with law. Needless to state that the respondent No.3 shall not be influenced by the impugned communications dated 23rd September 2016 issued by respondent No.4 which now stands withdrawn and shall decide the objections of the petitioners on merits, keeping in view the provisions of relevant Act and Rules.

6] Petition is disposed of accordingly. All contentions of both sides are kept open.

(PRAKASH DEU NAIK, J)

(SHANTANU S. KEMKAR, J)