

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13201 OF 2016**

Dr. Babasaheb Ambedkar Foundation,
Nashik

..Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. B.K.Barve a/w. Mr. Sandeep Barve & Ms. Shital Tanpure i/b.
B.K.Barve & Co. for the Petitioner

Mr. P.G.Sawant, AGP for the Respondent no.1.

Mr.Manish Bohra i/b. Mr. S.B.Shetye for the Respondent No.4.

Mr.Pradeep Rajgopal and Ms. Drishti Shah for the Respondent No.5.

**CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED : 4TH JANUARY, 2017**

P.C.

1. Heard the learned Counsel appearing for the petitioner. The Divisional Commissioner published a notice informing the members of public regarding the preparation of Electoral Roll for Nashik Graduates' Constituency of the Maharashtra Vidhan Parishad. Going by the averments made in the petition and Exhibit A to the petition, on 1st October, 2016 a notice was published in daily 'Maharashtra

Times' calling upon the eligible voters to register on or before 5th November, 2016. The prayer in this petition under Article 226 of the Constitution of India is for issuing a writ of mandamus directing the Election Commission of India to extend the period of making enrollment applications by a period of one month from 5th November, 2016.

2. The learned Counsel appearing for the petitioner invited our attention to the averments made in paragraph 7 of the writ petition by pointing out that there were several reasons which prevented the voters from making applications on the basis of the said advertisement. Inviting our attention to the additional affidavit, he submitted that though extension was granted on 7th December, 2016, the notification extending the period is not given any publicity. He invited our attention to the averments made in paragraph 8 of the additional affidavit filed on behalf of the petitioner. His contention is that the notice granting extension was circulated fifteen days after the commencement of the extended period, which served no purpose.

3. We have carefully considered the submissions. Firstly, we must note that the petition is filed by NGO. No person who is claiming to

be entitled to enroll himself as a voter in the Graduates' Constituency has come forward to make any grievance.

4. The exercise of enrollment was commenced under the directions of the Election Commission of India in exercise of powers under the Registration of Electors Rules, 1960. Even going by the documents annexed to the petition, the notice inviting the voters to enroll themselves was published in the daily news paper 'Maharashtra Times' on 1st October, 2016. The applications for enrollment were to be filed on or before 5th November, 2016. The averments made in paragraph 7 of the petition are very vague. It is contented that in October 2016, there were various morchas as well as agitations and that there was a collapse of law and order in Nashik City.

5. The Election Commission of India, had undertaken the exercise under the powers vested under the said Rules of 1960. We are of the view that in the facts of this case, a Writ Court cannot issue a writ of mandamus directing the Election Commission of India to extend the period provided in the notification. Moreover, the enrollment was to be made by the graduates who were entitled to vote in Graduates' Constituency. A Writ Court should be very slow in interfering with

the exercise undertaken by the Election Commission. Therefore, relief claimed in this petition cannot be granted under Article 226 of the Constitution of India.

6. As regards notification dated 7th December, 2016 granting extension, firstly we may note here that there is no challenge to the said notification. Secondly, as stated earlier, no voter has made any grievance even about the said notification.

7. Therefore, we decline to entertain this petition filed under Article 226 of the Constitution of India at the instance of the petitioner. The petition is rejected.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)