

mm

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 382 OF 2017

Nisha Wankhede

...Petitioner

Vs.

Maharashtra State Election Commission & Ors.

...Respondents

Ms. Anjali Awasthi for the Petitioner

Mr. S.B. Shetye for the Election Commission of India

Mr. Abhay Patki, Addl. G.P for the State

Ms. Pallavi Thakar for the MCGM

CORAM : NARESH H. PATIL &

M.S. KARNIK, JJ.

DATED : 7TH FEBRUARY, 2017

P.C. :

The Petitioner's nomination paper was rejected by Returning Officer. The said order is under challenge.

2. Learned Counsel appearing for the Petitioner submits that the Petitioner had applied for inclusion of her name in the Voters' list. In spite of the best efforts made by the Petitioner the Electoral Officer failed to include her name in the Voters' list.

3. Learned Counsel for the Petitioner has placed reliance on the Registration of Electors Rules, 1960.

4. Mr. Shetye learned Counsel submitted that as the Petitioner's name did not appear in Voters' list her nomination paper was bound to be rejected. The issue relating to the proceedings before the Electoral Officer are distinct in nature. The issue as to what are the circumstances wherein the Petitioner's name was not included by the Electoral Officer is not to be gone into at this stage. We are dealing with the order passed by the Returning Officer after the Petitioner filed her nomination paper. The fact remains that on the date of filing of nomination paper the Petitioner was not a registered Voter.

5. The Election process is already set in motion. The election programme is already declared. Today's date is fixed for withdrawal of candidature. In the facts at this stage we are not inclined to interfere in the matter. However, the Petitioner is at liberty to resort to appropriate statutory remedy after the election

results are declared.

5. With the above observations the Petition is dismissed.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)