

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12585 OF 2018

AMOL S/O. DHANRAJ SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.

...

Mr. Dhgiraj P. Jethliya, Advocate for petitioner
Mr. A.R. Kale, AGP for respondent Nos.1 and 3
Mr. S.T. Shelke, Advocate for respondent No.2
Mr. Amol Savant, Advocate for respondent No.4.

. . .

CORAM : S.S. SHINDE &
K.K. SONAWANE, JJ.

DATE : 3rd DECEMBER, 2018.

PER COURT:

1] Pursuant to notices issued to the respondents, the respondent No.3 has filed affidavit in reply, wherein, It is stated in para. No. 3 of the affidavit, as under :-

“3. At the outset, I say and submit that, the petitioner has not come with clean hands before this Honourable High Court as the petitioner while making application for inclusion of his name in the electoral voters list has mentioned his address as “Mohadi Railway Station, Mohadi, Dhule” which comes within the Legislative Constituency No.7 within Dhule city. The copy of electoral voters list is annexed herewith and marked as Exhibit R-1. As per the instructions given by the Election Commission of India vide letter dated 25.05.2018 the deponent has taken the actual verification of the voters who intend to include their name in the list at that time it was revealed

that, the petitioner is not residing on the given address and, therefore, his application for inclusion of his name in the voters list has been turned down. The copy of the letter dated 25.05.2018 is annexed herewith and marked as EXHIBIT R-2.”

It is further stated in para.4 of the affidavit that on factual enquiry, it was revealed that the address given by the petitioner and the address of the mother of the petitioner mentioned in the voters list are different.

2] Be that as it may, we do not wish to enter upon the disputed questions of facts. It may be open for the petitioner to take appropriate and corrective steps in future for redressal of the grievance raised in this petition. It is informed by the counsel for the respondents that the election is scheduled to be held on 9th December, 2018.

3] In that view of the matter, we are unable to persuade ourselves to grant any relief to the petitioner. However, we make it clear that the petitioner will be entitled to take corrective steps in future, as indicated above, for redressal of his grievance.

4] With the above observations, writ petition stands rejected. We make it clear that the rejection of this petition would not be construed to mean that there is an impediment for the petitioner to take appropriate steps for redressal of his grievance with the concerned authorities.

[K.K.SONAWANE]
JUDGE

[S.S. SHINDE]
JUDGE

grt/-