

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CONTEMPT PETITION NO.199 OF 2017
IN
WRIT PETITION NO.10871 OF 2016**

Vasant Nau Mhatre & Ors.

.. Petitioners.

Vs.

The Electoral Registration
Officer and Ors.

.. Respondents.

Mr.Bhardwaj L. Chaudhari with Meenakshi B. Chaudhari with
Vaibhav Patil for the Petitioners.

Ms.M.S. Srivasatava AGP for the Respondent No.2.

Mr.S.B. Shetty for the Respondent No.3.

**CORAM : A.A. SAYED &
A.K. MENON, JJ.**

DATED : 11TH DECEMBER, 2018

P.C. :

1. In Writ Petition No.10871 of 2016 filed by the Petitioners this Court had directed Respondent Nos.2 to 7 to decide the objections filed by the Petitioner No.1 within four weeks. According to the Petitioners since this order was not complied, Contempt Petition (Stamp) No.33053 of 2016 was filed wherein the following order was passed on 9th December, 2016 :

“Learned AGP on instructions of the Officer present in the Court, submits that the Electoral Officer deleted 388 persons from the voter's list. The decision to that effect has been reached.

2. Contempt Petition is disposed of.”

2. The Contempt Petition now alleges breach of the aforesaid order dated 9th December, 2016. The grievance of the Petitioners is essentially that the elections which were conducted were on the basis of previous voter's list which was carrying the names of said 388 persons.

3. Learned Counsel for the Election Commission has pointed out that cut off date to be adopted for the voter's list was 16th September, 2016 in terms of section 12 of Maharashtra Village Panchayat Act, 1959. It is seen that the order dated 9th December 2016 is passed after the aforesaid cut off date of 16th September, 2016 and the order dated 9th December, 2016 as a matter of fact has been complied with and the names of the 388 persons has been deleted from the voters list. In the circumstances, we do not find that there is any breach of the order dated 9th December, 2016.

4. In the circumstances, no ground for action of contempt of Court is made out. The Contempt Petition is accordingly dismissed.

(A.K. MENON,J.)

(A.A. SAYED,J.)