

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

980 PUBLIC INTEREST LITIGATION NO.23 OF 2019

ASHA MADHUKAR RAUT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr.R.D.Sanap, Advocate for the petitioner

Mr.A.B.Girase, G.P. for Respondent-State

Mr.S.T.Shelke, Advocate for respondent no.2

...

CORAM: S.S.SHINDE &

R.G.AVACHAT, JJ.

DATE : 15.02.2019

PER COURT:

1] This Petition is filed with the following substantive prayer:

"B. By issuing writ of Mandamus or any other writ, order or directions in the like nature, the respondent no.3 and 4 may kindly be directed to include the name of petitioner along with other voters of Sillod Municipal Council as per the earlier voters list of year 2014 of the Assembly and Municipal council elections of year 2014; for the purpose of Sillod Municipal Council election for the year 2019."

2] Learned counsel appearing for the Respondent No.2 - State Election Commission has tendered across the Bar election programme, published by the Chief Electoral Officer, State Election Commission, and the same is taken on record. Upon perusal of the said document, it appears that, the date of publication of the provisional voters list for ensuing elections of the Sillod Municipal Council was 1st September, 2018. Thereafter, for inviting objections and considering the same, the period was stipulated i.e. from 1st September, 2018 to 31st October, 2018, and 30th November, 2018 was the date fixed for taking decision by the competent authority on such objections. It appears that, the final voters list has been published on 4th January, 2019.

3] The grievance raised in the Public Interest Litigation about 2000 voters cannot be considered together, and each individual aggrieved person i.e. the voter, has to avail

of an appropriate remedy in individual capacity. The elections are governed by the particular scheme, and by the election programme the dates are stipulated and mentioned in the said election programme. It is not possible for this Court to consider all these grievances by entertaining this PIL. In that view of the matter, we are unable to persuade ourselves to entertain this PIL. Hence, the PIL stands disposed of.

4] If the petitioner or any aggrieved person has remedy available in law; they can avail of the same. The disposal of this PIL shall not be construed as an impediment to those individuals, including the petitioner, to avail of an appropriate remedy, as available in law.

[R.G.AVACHAT]
JUDGE

[S.S.SHINDE]
JUDGE