IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4210 OF 2019

JAYSHANKAR SHIVRAJAPPA HATTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for the Petitioner : Shri S. N. Patil
AGP for Respondent Nos. 1 and 4 : Shri N. T. Bhagat
Advocate for Respondent No. 2 and 3 : Shri S. K. Kadam
Advocate for Respondent No. 5 : Shri V. M. Vibhute
...
CORAM : RAVINDRA V. GHUGE, J.

DATED : 06th JULY, 2019.
...

PER COURT :

1. I have considered the submissions of the learned Advocates for the respective sides, who are present today. This matter was heard on 24/06/2019 and 28/06/2019.

2. In short, the petitioner has raised the following issues :-

(a) Whether the 14 members deleted from the voters' list are defaulters ?

(b) Whether the 14 members have been wrongly excluded from the voters' list ?

(c) Whether eligible candidates are contesting the elections, polling of which is posted on 21/07/2019 ?

(d) Whether 81 members, who are not parties to this petition, who have been included in the voters' list, should be deleted ?

3. I find that the petitioner has raised several disputed issues. The Writ jurisdiction of this Court cannot be exercised for investigating into such disputed questions. The judgment of the Hon'ble Apex Court in the matter of ***Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and another Vs. State of Maharashra and others, AIR 2001 SC 3982*** has laid down the law that preparation of the voters' list is also a part of the election programme and the Courts should be extremely slow in interfering with any election programme.

4. In my view, the petitioner is not remediless. He can prefer an election petition after the results of the elections are declared, as is permissible in law and all his contentions challenging the results of the elections can be gone into.

5. In view of the above, this petition is disposed off with liberty to the petitioner to avail of a remedy as is permissible in

law. All contentions of the petitioner raised in this petition and if raised in the election petition, are kept open for decision on their merits.

(RAVINDRA V. GHUGE, J.)

shp/-