

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

109 WRIT PETITION NO.8976 OF 2018

PARMESHWAR KACHARU SATPUTE
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr Thombre S.S.

AGP for Respondents: Mr Y. G. Gujrati

Advocate for Respondent No.2 : Mr. A B Kadethankar

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 15th April, 2019

PER COURT :

1. The petitioner seeks directions to enquire into the complaint with regard to the voters list published for the election of Grampanchayat held in August, 2018.

2. Mr. Thombre, the learned Advocate for the petitioner submits that perusal of the voters lists, it manifests that even the names of minors are included in the voters list. This fact was brought to the notice of the concerned authorities who are supposed to prepare the voters list. However the authorities have turned blind eye towards the same. The voters list is not correct. This was only to favour a candidate. According to the learned counsel, fraud vitiates

every act. Enquiry needs to be directed against the concerned persons for preparing erroneous voters list.

3. The petitioner was not a candidate in the election of the Grampanchayat held in August, 2018. It is submitted that wife of the petitioner lost the election. In that case it would be a proxy petition.

4. As far as voters list is concerned, preparation of voters list and dealing with objection has to be in consonance with the procedure laid by the State Election Commission. The State Election Commission is the competent authority to verify the voters list and to take steps with regards to the voters list.

5. The petitioner was not a candidate in the election. The right to vote and right to get elected is a statutory right. It would be extending jurisdiction under Article 226 of the Constitution too far in entertaining the petitioner on behalf of a person who is not even candidate in the election.

6. Considering the aforesaid aspects of the matter, we are not inclined to entertain the writ petition. Writ petition is disposed of. No costs.

(A. M.DHAVALA, J.)

(S.V.GANGAPURWALA, J.)

JPC