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

PUBLIC INTEREST LITIGATION NO.87 OF 2019

Vijaykumar s/o Chhaganrao Sarode

..PETITIONER

VERSUS

The Union of India & ors.

..RESPONDENTS

Mr S. S. Kazi, Advocate holding for Mrs Fatema S. Kazi, Advocate for petitioner;

Mr Alok Sharma, Advocate for respondent No.1

Smt. G. L. Deshpande, A.G.P. for respondent No.2 & 3

**CORAM : PRASANNA B. VARALE
AND
R. G. AVACHAT, JJ.**

DATE : 23rd July, 2019

ORAL ORDER:

The present petition is filed in this Court styled as a public interest litigation. The petitioner, who is a practicing advocate raises a challenge of use of Electronic Voting Machines in the process of elections of Maharashtra Legislative Assembly scheduled in October-November, 2019 and the prayers there of are prayer clauses (C), (D) and interim prayer clause (E) which read thus:

"(C) By appropriate writ or direction the respondent may kindly be directed to use ballot papers for the Forth coming Elections of Maharashtra Legislative Assembly (Vidhan Sabha) of October - November 2019.

(2)

(D) By issuing writ or any other direction in like nature, the respondents be directed not to take elections, henceforth through EVM.

(E) Pending hearing and final disposal of this Petition the Respondent Nos.1 & 2 be directed to start the process of taking Election through ballot paper for Forth coming Election of Maharashtra Legislative Assembly (Vidhan Sabha) of October - November 2019."

2. It is a common knowledge that the very issue of use of Electronic Voting Machines is pending consideration of the Honourable the Apex Court. As such, we are not inclined to entertain the present petition and the same is accordingly disposed of.

(R. G. AVACHAT, J.)

(PRASANNA B. VARALE, J.)

sjk