

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

WRIT PETITION NO. 8571 OF 2020

Machindra S/o Narayanrao Kute
and others

... Petitioners.

Versus

State Election Commission
and others

... Respondents.

....

Mr. V.D. Salunke, Advocate for the Petitioners.
Mr. A.B. Kadethankar, Standing Counsel for Respondent No.1.
Mr. K.N. Lokhande, A.G.P. for Respondent / State.

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**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 22nd DECEMBER, 2020

PER COURT:-

1. The objection filed by the petitioners to the provisional voters list is rejected.
2. Mr. Salunke, the learned counsel for the petitioner submits that the provisional voters list is published on 01.12.2020. The petitioners objection to the provisional voters list on 03.12.2020 is will within the time. The name of the petitioner No.1 is appearing in ward No.2. He

is residing in ward No.1. The petitioner No.2 and his family members are residing in ward No.3. Their names are shown in ward No.2. The petitioner No.3 is residing in ward No.2. His name is shown in ward No.1. For hearing on the objections, the three members committee was formed. The petitioners were not given an opportunity of hearing and the objection is decided by the third person. The learned counsel submits that the same is against the principal of natural justice. The factual situation is also not considered. The voters list is totally contrary to the election law and Rules affecting the right of the voters to elect the representative from their respective ward. The voters list is not ward wise because of by which the petitioners are also deprived to contest the elections from their ward. The respondents had illegally rejected the objection. The final voters list is published on 14.12.2020.

3. We have heard Mr. Kadethankar, the learned Standing Counsel for State Election Commission and the learned AGP. for State.

4. It appears that the report is submitted by the three members committee and as per the report, the objections are decided. It appears that the final voters list is published on 14.12.2020, which ought to have been published on 10.12.2020. According to Mr.

Kadethankar, the voters list is published on 10.12.2020 as per the election program, however, the communication was received from the authorities of some Districts and therefore it appears that the voters list is published on 14.12.2020 in some Districts. In fact, the authorities are required to adhere to the schedule prescribed as per the program in the election matters. Time is essence in the election matter. If the time is not adhered to, the litigant would not get the opportunity to assail the same in proper time. The election commission is required to look into this aspect and shall take necessary steps in that regard.

5. The nominations are to be filled in from 23.12.2020. At this stage, it would not appropriate to interfere with the election process.

6. The Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane