

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.551 OF 2020

Rajendra Kashinath Shelke

..Petitioner

vs.

State of Maharashtra & Ors.

..Respondents

.....

Mr. R. M. Haridas, Advocate for Petitioner.

Ms. Vaishali Nimbalkar, AGP for Respondent / State.

Ms. Priyanka Bhadrashete i/b. N. M. Bhadrashete, Advocate
for Respondent No.3.

CORAM : C.V. BHADANG, J.

DATE : 23rd JANUARY, 2020

P.C.

. The challenge in this petition is to the order dated 4/1/2020 passed by the Collector and District Election Officer, Thane refusing to uphold the objection filed by the petitioner to the draft voters list pushed on 14/12/2019, for the election of the Mumbai Agricultural Produce Market Committee, Mumbai.

2. I have heard learned counsel for the parties. Perused record.

3. It is contended by the learned counsel for the petitioner that the voters list is not prepared, in accordance with Section 13(1)(b) of the Maharashtra Agricultural Produce Market Committee Act ('Act' for short) and Rule 6 of the Maharashtra Agricultural Produce Market Committee (Election to Committee) Rules, 2017 ('Rules' for short). It is

submitted that the voters list has to be prepared in accordance with Section 13(1)(b) of the Act and the Rules framed thereunder. It is contended that the Election Officer has included Traders who do not meet the requirement of holding a license for two years, in the said market committee. Learned counsel pointed out that about 150 new licenses were issued hurriedly in order to include their names in the voters list, with an intention to influence the outcome of the election. Learned counsel in this regard has referred to the objection dated 21/12/2019 sent by the petitioner to the Election Officer. In short, it is contended that enrollement of most of the agents and traders is bogus and there is no evidence to show that they have paid the bazarcass on their licenses.

4. Learned AGP has stated that the objection is vague and the objection is not raised qua, any individual voter.

5. I have considered the circumstances and the submissions made.

6. It appears that the election to the Committee is being held in pursuance of the direction of this Court in an order dated 28/8/2019, in Writ Petition No.5991/2018. A perusal of the said order shows that this Court on the basis of the tentative programme produced by the learned Advocate General has directed the holding of the election. As per said programme which finds place in the order of the Division Bench of this Court, qualifying date to be a voter is set out as 30/9/2019. The perusal of the impugned order shows that Election Officer has found that the objection is vague and is of general nature.

7. A perusal of the objection dated 21/12/2019 shows that it is not raised with reference to individual voters. This is relevant because particulars about the licence, the date of the obtaining of the licence etc. would be individual to the particular voter and the objection, if any, has to be decided qua such voter which is not forthcoming in this case. I do not find that the reasons given by the Election Officer refusing to uphold the objection, suffers from any infirmity. The petitioner has failed to show as to how the individual voters, if any, are not qualified to be enrolled as voters on the basis of any applicable provision and particulars about their licences.

8. The petition is without any merit and is accordingly dismissed, with no order as to costs.

C.V. BHADANG, J.