

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.634 OF 2020

...

Kiran Kisanrao Zodge

....Petitioner

V/S

Mumbai Agriculture Produce Market
Committee & Ors.

....Respondents

...

Mr. Uday B. Nighot for the Petitioner.

Ms. Priyanka Bhadrashete i/b Mr. N.N. Bhadrashete for Respondent No.1.

Ms. P.N. Diwan, AGP for Respondent Nos.2 and 5/State.

Mr. Dilip Bodke for Respondent Nos.3 and 4.

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CORAM : A.A. SAYED &

SMT. ANUJA PRABHUDESSAI, JJ.

DATE : 23 JANUARY 2020.

ORDER:

1 The Writ Petition is filed by the Petitioner seeking the following relief:

“(b) On perusal of the same this Hon’ble Court looking to the fact that the Petitioner is holding license from 1996 and had renewed his licenses on 15.3.2019 for period of 2 years i.e. 2020-2022 of Wholesale Broker and A-Class Traders be pleased to direct the Respondent No.3 and 4 to include the name of Petitioner in final voters list of Traders Constituency of Vegetable Section of Mumbai APMC i.e. Respondent No.1.”

2 As per the election programme which has been approved by order

dated 28 August 2019 of the Division Bench of this Court in Writ Petition No.5991 of 2018 (Charushila Chintaman Raul vs. The Mumbai Agricultural Produce Market Committee and Anr.) the Respondent No. 1-APMC was to submit the provisional list of voters to the Respondent No.3 Collector by 30 November 2019. The last day for taking objections in respect of the provisional voters list was 23 November 2019. The publication of the final voters list was by 6 January 2020.

3 In the Petition It is averred in para 8 that the name of the Petitioner was appearing in the provisional list submitted by Respondent No. 1-APMC to the Respondent No.3 Collector for approval. It is further averred in para 14 that the Petitioner's name was wrongly deleted from the final voters list due to mistake of the staff of the Respondent No.1-APMC and therefore the said mistake can be rectified by adding Petitioner's name in the final voters list.

4 Learned Counsel for the Respondent No.4-Returning Officer as well as the learned AGP pointed out that the name of the Petitioner was not appearing in the provisional voters list. Learned Counsel for the Petitioner fairly concedes before the Court that the name of the Petitioner was not appearing in the provisional voters list. The averments made in the Petition are clearly under some misconception. The Petitioner has not filed any

objection in respect of the provisional voters list. The final voters list has also been published. In the aforesaid circumstances, we find that the Petition is wholly misconceived. It is accordingly dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

(A.A. SAYED, J.)

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