

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

986 WRIT PETITION NO.13353 OF 2021

MOBIN MUNAVAR KHAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE DISTRICT
COLLECTOR AND OTHERS

...
Advocate for Petitioner : Mr. V.S. Undre
AGP for Respondents State : Mr. S.P. Tiwari
Advocate for Respondent 4 : Mr. A.B. Kadethankar

...
**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**
DATED : 03/12/2021.

PER COURT :

1. Mr. Undre, learned advocate for the petitioner submits that the respondents did not consider the objections raised by the petitioner and finalised the voters list. The same is illegal. According to the learned counsel, from time to time, the petitioner has raised the objections, however, the same are not considered. It was the duty of the Election Commission to consider the objections raised by the petitioner to the voters list. The learned counsel submits that only because Election programme has commenced, the said cannot be a bar for the Election Commission to consider the objections raised by the petitioner. The learned advocate relied on the judgment of the Apex Court in the case of **State of Goa and Anr. Vs. Fouziya Imtiaz Shaikh and Anr. reported as (2021) 8 SCC 401.**

2. The election process is set in motion. The election programme is published. The nomination papers are filled in from 1st of December 2021 and the last date for filing nomination is 7th

December, 2021.

3. It would not be possible to interfere the writ petition in view of the Articles 243-ZG and 243-ZA of Constitution of India. The Apex Court in the case of **State of Goa and Anr.** (*supra*) has observed that the bar under Articles 243-ZG and 243-ZA of Constitution of India does not apply to the Election Commission and it applies only to the Court.

4. The election process is already set in motion and has progressed further.

5. We, at this stage, cannot interfere in the process. If the Election Commission feels that certain illegalities are committed, it can take appropriate steps in accordance with law. With the aforesaid observations, the writ petition is disposed of.

6. In case after the elections are over and the petitioner feels it appropriate, the petitioner may raise issue in appropriate proceeding before appropriate forum. In that event, all contentions are kept open. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/