

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1006 WRIT PETITION NO.14586 OF 2021

PRATAP RAOJI ADSUL
VERSUS
THE STATE OF COOPERATIVE ELECTION AUTHORITY FOR
OSMANABAD DISTRICT AND OTHERS

...

Advocate for Petitioner : Mr. V.D. Salunke
Advocate for Respondent No.1 and 2 : Mr. V.H. Dighe

...

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 22nd DECEMBER, 2021

PER COURT :-

1. Heard Mr. Salunke, learned counsel for the petitioner.
2. The petitioner raised objection to the final voters list thereby including (77) persons as per the objection raised by respondent No. 3. The learned counsel for petitioner submits that these (77) persons are included in the voters list. Objections of respondent No. 3 are illegal. Infact, those persons are not eligible members. They have deposited the fees after cut off date. The learned counsel submits that respondent No. 3 is third party. His objection could not have been entertained. On 9th December 2021 hearing was scheduled, but on that date hearing did not take place and subsequently it was scheduled on 13th December, 2021. On 13th December, 2021 the Officer was absent and the hearing also did not take place as he was at Pune and directly voters list was published on 16th December, 2021. No opportunity of hearing was given to the petitioner, though the petitioner was present. According to learned counsel, illegalities have been committed. Ineligible persons have been added as voters.

3. Mr. Dighe, learned counsel for respondents submits that hearing had taken place. Three applications were received. It is not only 77 persons included in the voters list, but other persons are included as per the list. Initially, voters list was of 129 members, now final voters list is of 333 members. The petitioner deliberately has only challenged the part of the voters added.

4. The petitioner has raised objection to the voters list in respect of inclusion of (77) persons in the voters list. Those (77) persons are not parties to the petition. If any order is passed they would be adversely affected. The petitioner may assail the same after the election as may be permissible under law. In that event, all contentions are kept open.

5. Writ petition is disposed of accordingly. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE