

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5051/2021
Shatrughan alias Dada Shaligram Chandurkar
...Versus...
State of Maharashtra and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. N.B.Jawade, Advocate for petitioner
Ms. N.P.Mehta, AGP for Respondent Nos. 1 and 2
Mr. G.G.Mishra, Advocate for Respondent No.3

CORAM : AVINASH G. GHAROTE, J.
DATE : 20/12/2021

Heard Mr. Jawade, learned counsel for the petitioner, learned AGP for Respondent Nos. 1 and 2 and Mr. Mishra, learned counsel for Respondent No.3.

In the order dated 7.12.2021, while issuing notice, I have recorded the contention of the learned counsel for the petitioner in the following terms;

“Heard learned counsel for the petitioner. The contention is that the bye-laws of the society, specifically bye-law No. 6.1 mandate that only those agriculturists, who are resident within the area of operation of the society and are having minimum 0.20 R of land would be entitled to become the member of the respondent No.3 society. Since the names of the respondents, who are not residents within the area of operation of Respondent No.3 society, were included in the preliminary voters list, an objection was raised by the petitioner which has been rejected by the

impugned order”

It is, however, now brought to my notice that the election programme has already been declared on 17.12.2021 and the period for filing the nomination commenced from 17.12.21 to 23.12.21. Since the election programme has already commenced, copy of which is taken on record and marked “X” for the purpose of identification and since the issue sought to be raised regarding the entitlement of persons to be included in final voter list, would require an in depth verification based upon the bye-law No. 6.1 and the holding of land by each of the member, I do not think the present is a time when this exercise can be done, fruitfully. The petition therefore without going into the merits is dismissed, leaving all points raised therein, to be taken up in an election petition, which may be preferred by the petitioner after the elections are over.

JUDGE

rvjalit