

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

951 WRIT PETITION NO.4651 OF 2022

**VINOD PRABHAKAR DESHMUKH AND OTHERS
VERSUS
THE STATE ELECTION AUTHORITY AND OTHERS**

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Advocate for Petitioners : Mr.Salunke V.D. (Senior Counsel)
Advocate for Respondent Nos. 1 & 2 : Mr.Kadam S.K.
AGP for Respondent No. 3-State : Mr. S.N.Kendre
Advocate for Respondent No. 4 : Mr.S.G. Kawade & Mr.Khandare N.B
Advocate for Respondent No. 5 : Mr.Shinde Bhagwat A.

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CORAM : NITIN. B. SURYAWANSHI, J.

DATE : 04th MAY, 2022.

PER COURT :

1. By the impugned order the respondent No. 2 has deleted names of the petitioners for the final voters list of respondent No. 5. The deletion is on the ground that there is scoring in the record of respondent No. 5, Society and therefore, the petitioners names are required to be deleted. It is observed in the impugned order that though the Returning Officer has no authority to take decision on the membership of the persons, however, since the objection is raised, he is entitled to consider the said objection.

2. The Society has specifically submitted before the Returning Officer that the petitioners are valid members, who were granted membership in the year 2017. They have deposited their

membership fees and shares amount. Ignoring this, the Returning Officer has allowed the objection raised by respondent No. 4 and deleted the names of the petitioners.

3. The Society has filed the affidavit-in-reply, thereby placing on record the resolution passed by it, granting membership to the petitioners to which respondent No. 4 is a party. In that view of the matter, the impugned order passed by the Returning Officer is un-sustainable and it appears that the Returning Officer has exceeded his jurisdiction in deleting the names of the petitioners from the final voters list. The petitioners were not given an opportunity of hearing before deleting their names.

4. Till today, the election programme is not declared, therefore, by setting aside the impugned order, there will be no interference in the election process, hence the following order is passed :

ORDER

- a. Writ Petition is allowed in terms of prayer
Clause "B" and "C".
- b. No costs.

(NITIN B. SURYAWANSHI)
JUDGE