

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.6351 OF 2022

PANKAJ VIJAY BADGUJAR AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS  
SECRETARY AND OTHERS

...  
Advocate for the Petitioners : Shri Brahme Shailesh P. a/w Shri  
A.R. Sayed

AGP for the Respondents/ State : Shri S.G. Sangle  
Advocate for Respondents 2 and 3 : Shri S.K. Kadam

...

CORAM : RAVINDRA V. GHUGE  
&  
ANIL L. PANSARE, JJ.

DATE :- 22<sup>nd</sup> June, 2022

**Per Court :-**

1. By this petition, the petitioners have put forth prayer  
clauses C and D as under :-

“C) This Hon’ble Court may be pleased to issue appropriate writ, order or directions to the respondent No.3 to preserve the 3253 (approximately) manual counting sheets dated 30.04.2022 for three constituency namely local, outside and women by sealing them.

D) This Hon’ble Court may be pleased to issue appropriate writ, order or directions to the respondent No.3 to supply the 3253 manual counting sheets dated 30.04.2022 for three constituency namely local, outside and women to the petitioners at their expenses.”

2. Having considered the submissions of the learned advocate for the petitioners, it appears that the petitioners' information is based on their polling agents, who have intimated them that the physical ballot papers and the digital record created thereon contains serious discrepancy, which is prejudicial to the petitioners. On the basis of this information, the petitioners intend to file an election petition. They also intend to lead evidence through their polling agent and his name will be included in the list of witnesses. Based on such information, they rely upon the physical ballot papers and manual counting sheets to support their contention that there has been malpractices in the counting of votes.

3. Shri Kadam, the learned advocate appearing for respondent Nos.2 and 3, places on record the communication dated 01.05.2022 issued by the said authority to every Manager of the Societies, conveying the information that all documents including ballots, relation to the elections that were held, have been preserved in sealed packets and these packets have been delivered to the Managers of each society for preservation for a period of six months. The copy of the said communication has

also been served upon the petitioners. These two documents are taken on record and collectively marked as “X” for identification.

4. The learned advocate for the petitioners, therefore, submits that the petitioners desire to withdraw this petition to prefer an election petition. The limitation prescribed for filing an election petition is sixty days.

5. In view of the above, this Writ Petition is disposed off as withdrawn.

*kps* (ANIL L. PANSARE, J.) (RAVINDRA V. GHUGE, J.)