

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

WRIT PETITION NO.6471 OF 2022

**CHISHTY AZHARUDDIN HASEEBUDDIN
VERSUS
MAHARASHTRA STATE WAQF BOARD THROUGH ITS CHIEF EXECUTIVE
OFFICER AND ANOTHER**

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Advocate for Petitioner : Mr. Chandrakant V. Thombre
Advocate for Respondent No.1 - Wakf Board : Mr. N. E. Deshmukh
Advocate for Respondent No.2 : Mr. G. R. Syed

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CORAM : MANGESH S. PATIL, J.

DATED : 24 JUNE 2022

PER COURT :

Heard the learned advocate of both the sides.

2. Nomination of the petitioner who is intending to contest the election has been turned down by the respondent no.2 - Returning Officer only on the ground that the name of seconder stated to be appearing in the voters list at Sr. No. 2816 is factually incorrect.

3. The learned advocate for the respondent no.1 - Board submits that the respondent no.1 has powers of supervision and the petitioner could have approached it in the peculiar facts and circumstances of the case.

4. The learned advocate for the petitioner submits that the petitioner does not have any objection if the respondent no.1 - Board is ready to consider

his grievance.

5. The learned advocate for the petitioner expresses anxiety that today is the date fixed for finalizing the nominations and allotment of symbols up to 5.00 p.m. though the voting is scheduled on 3 July 2022.

6. Admittedly, that there is an error in referring to the serial number of seconder in voters list. His name appears in the voters' list at Sr. No. 2813.

7. Considering the aforementioned facts and circumstances, the petition is disposed of with liberty to the petitioner to approach respondent no.1 - Board immediately today itself. The respondent no.1 - Board shall take appropriate decision.

8. Irrespective of the fact that the time for allotment of symbols would be over by 5.00 p.m, if the petitioner's representation is considered favourably, the respondent no.2 shall take appropriate steps to allow him to contest the election.

9. Parties to act upon authenticated copy of this order and even the learned advocates shall communicate this order immediately.

(MANGESH S. PATIL, J.)

Tandale/-