

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

951 WRIT PETITION NO.8206 OF 2022

BALAJI DHONDIRAM GITTE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Shri. S. V. Mundhe, Advocate for the petitioners
Shri. S. N. Morampalle, AGP for the respondent/State
Shri. S. K. Kadam, Advocate for respondent Nos. 2 to 4.

**CORAM : M. G. SEWLIKAR, J.
DATED : 4th AUGUST, 2022**

PER COURT :-

1. Heard.

2. Learned counsel Shri. Mundhe for the petitioners submits that he had raised various objections on 4th July, 2022 however, those objections were not answered. He further submits that he had produced rules and audit reports of 2017-18, 2018-19, 2019-20. The membership was shown to have been increased in the year 2018-19, but the audit report of that period does not show the corresponding increase. He submits that the provision No.4 seems to have been subsequently added. He further submits that election programme has not started as

per the proviso to Rule 6 that where the elections could not be held before the expiry of the term of the committee due to unforeseen situations or for any other reasons, provisional list of the voter shall be prepared on the basis of the date fixed by the SCEA. He further submitted that this proviso indicates that election process has still not started. He had filed application for deletion of names of 196 members. The said objection was not properly considered and has been rejected without application of mind.

3. It is settled law that preparation of voters lists is an intermediate stage and is a part of the election process. Therefore, once election process starts, it cannot be stalled. Proviso on which reliance has been placed cannot be pressed into service in this petition as the term of the Committee has expired.

4. Learned counsel Shri. Mundhe for the petitioners placed reliance on the case of ***Smt. Usha Bhaginath Bhagat Vs. State of Maharashtra*** reported in ***2021(2) AIZR Bom. R 718*** in which the names of deleted 53 members were ordered to

be taken on record as voters. This judgment does not help the petitioners in any manner whatsoever. In this petition elections were postponed on account of outbreak of Covid-19 pandemic. Therefore, election process had already been stalled.

5. In this view of the matter. I do not find any substance in the petition. Petition is, therefore, dismissed. No order as to costs.

[M. G. SEWLIKAR, J.]

ssp