

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

48 WRIT PETITION NO.12220 OF 2022

**MAHESH VITHALRAO KHOSE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

...

**Advocate for Petitioners : Mr. Solanke Shikrashna B.
AGP for Respondents State: Mr. A. R. Kale**

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : 05.12.2022

ORDER:

1. The petitioners' grievance is that in spite of they having raised objection to the voters list published for a Gram Panchayat election, the objection has not been decided and direction is solicited for its decision.

2. The learned advocate for the petitioners submits that the petitioners have submitted detail objection with the respondent No.3-Tahsildar raising number of grounds, however that has not been decided. In the meantime, the election process has began. Today is the date for scrutiny of nomination.

3. It is trite that voters list published under section 21 of the Representation of People Act 1950 on a date stipulated by the State

Election Commissioner has to be taken as a basis for preparing the electoral rolls of the elections to be held under the Maharashtra Village Panchayats Act, 1958, by virtue of section 12 of that Act. Though subsequent rectification is possible/permissible in view of sections 22 and 23 of the Representation of People Act, 1950, going by the nature of the objection being raised, wherein the petitioners were objecting to the inclusion of 63 voters in ward No.1, 161 voters in ward No.2, 306 voters in ward No.3 and 148 voters in ward No. 4 for whatever reason, since the election process has already began, the objection cannot be objectively considered either by the competent authority or even by this Court, more so, when those many persons are also not before the Court, who would be adversely affected, in case the petition is allowed.

4. This court has limited jurisdiction in causing interference once the election process starts. Admittedly, it has already begun. Writ petition is dismissed keeping open the issues to be agitated in an appropriate proceeding, if the petitioners are entitled to do so.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

JPChavan