

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

901 WRIT PETITION NO.11851 OF 2022

SANJAY SHATRAGHUN AJABE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Yogesh Hanumant Lagad
AGP for Respondent No.1/State : Mr. S.B. Yawalkar
Advocate for Respondent No.2 : Mr. A.B. Kadethankar

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

DATE : 29.11.2022

ORDER (MANGESH S. PATIL, J.) :

Heard the learned advocates of both the sides.

2. The petitioner is seeking direction against the respondent No.4 who is the Tahsildar and Election Officer to decide his objection dated 18.10.2022 to the voters' list pursuant to the program published on 13.10.2022 and within the stipulated time as is required by the election program.

3. The learned advocate for the petitioner submits that the petitioner had raised objection and had requested respondent No.4 - the Election Officer to delete the names of the voters from the list who were either dead or have started residing elsewhere. He also annexed a list of 16 such persons. It was imperative for the election officer to decide his objection but that has not been done and he may be directed to undertake

that exercise now.

4. The learned advocate Mr. Kadethankar who appears for the respondent No.2 – State Election Commission submits that though the petitioner had raised such objection and it should have been decided by the election officer, the election process has already begun by virtue of Notification dated 18.11.2022. Filing of nominations have also started with effect from 28.11.2022 and directing the election officer now to decide the objection would have a tendency to protract the on going election process.

5. Admittedly, the election process has already started. No directions can be issued which would have the effect of delaying the election process.

6. True it is that apparently the petitioner had raised the objection in time prescribed by the schedule of the election published and the election officer should have decided it. But then, apart from the fact that the election process has already begun, the persons which the petitioner was seeking to be deleted from the voters list for whatever reasons are not before this Court. He was seeking deletion of names of not only the individuals who were dead but also in respect of the voters who, according to him, have migrated elsewhere. As far as the deceased persons are concerned, merely by allowing their names to continue in the voters list would have no effect in as much as they will not be casting their votes. As far as the persons who have migrated elsewhere, it would not be appropriate for this Court in exercise of the powers under Article 226 of the Constitution of India to pass

any order in their respect in their absence affecting their interest. Besides there are no particulars as to which are those persons.

7. The Writ petition is dismissed.

8. We make it clear that it would always be open for the petitioner to put up a challenge if a remedy under Section 15 of the Maharashtra Village Panchayats Act, 1959 is available to them.

(Y.G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)