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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.500 OF 2022

Nanaso Popat Ivare .. Petitioner

Versus

The State of Maharashtra through
its Secretary & Ors. .. Respondents

...

Mr. Shailesh D. Chavan for the Petitioner.

Mr. S. B. Kalel, AGP for the State/Respondent.

...

CORAM: RAVINDRA V. GHUGE, J.
DATED : 18th JANUARY, 2022

P.C:-

1. By this petition, the petitioner has put forth prayer clauses (a), (b) and (c) as under :-

“(a). Be pleased to quash and set aside the impugned order dated 24/12/2021 passed by the Respondent No.2, partly rejecting the objection of the Petitioner and thereby be pleased to allow the said objection at Exhibit C in its entirety and the names of 10 members be deleted from the Voter List of Respondent no.4-Society;

(b). Pending the hearing and final disposal of present writ petition be pleased to direct the Respondent No.2 and Respondent No.4, not to allow the members in respect of whom the objection at Exhibit-C is preferred by the Petitioner to cast their vote in the said election of the Respondent no.4-Society;

(c).Pending the final hearing and final disposal of the above said writ petition be pleased to direct the Respondent No.2 to stay the further election proceeding of Respondent No.4 Society.”

2. It is undisputed that the election program has been declared and tomorrow is the last day for filing of the nomination forms by the interested candidates.

3. It is well settled that this Court cannot entertain a writ petition for causing interference in an election, more so after the election program has been declared, which is likely to cause an impediment in conducting the elections. The learned Full Bench of this Court has held in the case of *Karmaveer Tulshiram Autade & Ors. Vs. State Election Commission & Ors.*¹, that a writ petition should not be entertained in such matters and an election petition is the statutory remedy available.

4. The grievance of the petitioner is that those persons, who have cleared their dues after the cut-off date, have been included in the valid voters list and they should be deleted.

5. I am afraid, such directions cannot be issued at this stage, considering the crystallized position of law. The petitioner can be left at liberty to avail of the statutory remedy of preferring an election petition, as is permissible in law.

¹ 2021(1)ABR 766

5. In view of the above, this petition stands dismissed.

(RAVINDRA V. GHUGE, J.)