

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6635 OF 2022

Omprakash Madhukar Kapote & Ors. ... **Petitioners**

Versus

The State of Maharashtra & Ors. ... **Respondents**

Mr. Pramod N. Joshi, Advocate for the Petitioners.

Mr. S. B. Kalel, AGP for the Respondent Nos.1 and 4/State.

Mr. Deelip Patil Bankar a/w. Ms. Pooja Deelip Patil,
Advocate for the Respondent Nos.2 and 3.

Mr. Rupesh Bobade a/w. Mr. Bhooshan Walimbe, Advocate
for the Respondent No.5.

**CORAM: S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : JUNE 8, 2022

P.C.

1. The petitioners are assailing the deletion of their names from the voters list. The learned Counsel for the petitioner submits that as on the cut off date i.e. 1st November 2019, the names of the petitioners appeared in the Register of Voters. The respondents could not have deleted the petitioner's name from the voters list. According to the learned Counsel, the long drawn inquiry cannot be conducted while finalizing the voter's list. We have heard the learned Counsel for the respondents.

2. It appears from the record that the petitioners have sold their properties much prior to the cut off date. After

having sold the properties, they ceased to be the members and it also appears from the orders passed that petitioners have resigned as member.

3. The same fact is brought on record by the Returning Authority. We are not going to embark upon the disputed questions of fact. In light of above, we are not inclined to entertain the writ petition. The petitioners may avail the remedy as may be permissible in law. In that event, all contentions of the petitioner are kept open.

4. The writ petition is disposed of. No costs.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)

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