

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13255 OF 2022

Sandeep Sadashiv Patil ... Petitioner

Versus

State Election Commission,
Maharashtra State, Mumbai & Ors. ... Respondents

**WITH
WRIT PETITION (ST.) NO. 27570 OF 2022**

Krishnat Sattappa Kavnekar ... Petitioner

Versus

State Election Commission,
Maharashtra State, Mumbai & Ors. ... Respondents

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Mr. Manoj A. Patil for the Petitioner in both the petitions.

Mr. Irfan A. Shaikh i/b. Mr. Sachindra B. Shetye for Respondent
No.1 (SEC).

Ms. Neha Bhide, 'B' Panel Counsel for the State.

Mr. Yuvraj Gharat for the Intervenor.

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**CORAM : NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.**

DATE : 15 NOVEMBER 2022

P.C. :

Writ petition (st.) no. 27570 of 2022 is not on board. Taken
on board.

2. Heard the learned Counsel for the parties.

3. It is the contention of the Petitioner that the Petitioner had lodged objections regarding wrongful inclusion of names of certain voters in the draft voters list within the time period stipulated for raising objections, however, the same was not decided and the election programme is likely to be declared. Prayer is sought to quash the voters list to the extent of these inclusions.

4. As per the direction issued by the State Election Commission, the draft voters list was to be published on 13 October 2022. The objections were to be lodged on 13 October 2022 till 18 October 2022. The final voters list has been published on 21 October 2022. This writ petition is filed on 11 November 2022.

5. The learned Counsel appears for the proposed Intervenor and states that the names of those voters which the Petitioner seeks to delete have not been joined as party Respondents even though their names mentioned in the representation of the petition. According to the Petitioner, it is not necessary as it was the duty of the State Election Commission to carry out this exercise.

6. The objections made were to be lodged on 13 October 2022 to 18 October 2022. The objections which stated to be filed at Exhibit D is dated 18 October 2022. There is no official stamp of receiving

the same but there appears an unidentified acknowledgment of a signature.

7. As to query as to why there is no inward stamp of the concerned Officer, according to the Petitioner, the same was refused. If it is given in respect of other objections and malafide refused in the case of the Petitioner by a particular Officer, it would be a serious allegation, leading to an administrative action against such Officer. Neither the Officer is made party nor such imputation is made. Therefore, the foundation of the Petitioner assertion that objections were raised within the time limit is entirely doubtful. Apart from this position, we have to take note the delay in approaching this Court. The final voters list was published on 21 October 2022. The election is now on the verge of being held on 18 November 2022. At this stage, we are not inclined to interfere in writ jurisdiction. It is open to the Petitioner to adopt such appropriate remedy as may be available in law after the election process is concluded, which would be considered on its own merits.

8. The writ petitions are accordingly disposed of.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)