

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3992 OF 2022

Sanjay Ramkrushna Saundale

-- Petitioner

Vs.

District Election Officer and District Deputy
Registrar Co-operative Societies, Yavatmal &
others

-- Respondents

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Gaurav C. Khond, Advocate for Petitioner
Mrs M.A. Barabde, AGP for Respondent Nos.1 and 2
Mr. S.K. Tambde, Advocate for Respondent No.3

CORAM : MANISH PITALE, J.

DATE : 20th SEPTEMBER, 2022

Heard learned counsel for the petitioner.

2. By the present petition, the petitioner has challenged order dated 04/07/2022, whereby objection raised to voters list on behalf of the petitioner was rejected, effectively holding that the non-inclusion of the name of the petitioner in the voters list was justified.

3. This Court issued notice in the present petition, wherein contesting respondent No.3 has entered appearance through counsel. The reply is placed on record.

4. A preliminary objection is raised as regards the maintainability of the writ petition by placing reliance on the Division Bench judgment of this case in the case of **Pandurang Laxman Kadam Vs. State of Maharashtra and others** reported in 2016(6) Bom.C.R. 75 and order dated 12/07/2022, passed by this Court in Writ Petition No. 3619/2022 (The Taluka Sahakri Shetkari Kharedi Vikri Samiti Maryadit & Anr. Vs. Government of Maharashtra & Anr.). By placing reliance on the aforesaid judgments and orders, it was submitted that the nature of dispute sought to be raised on behalf of the petitioner necessarily involves disputed questions of facts and that the present writ petition is not maintainable. It is brought to the notice of this Court that in such cases liberty was reserved for the aggrieved party to file a dispute by invoking Section 19 of the Maharashtra Cooper Societies Act, 1960.

5. This Court has taken into consideration the nature of grievance raised on behalf of the petitioner and it pertains to non-inclusion of name in voters list, thereby showing that it pertains to finalization of electoral roll. In the case of **Pandurang Laxman Kadam Vs. State of Maharashtra** (supra), the Division Bench of this Court in an exhaustive judgment, held that once election process is set in motion, which includes various details pertaining to electoral roll, ballot papers, nomination papers, etc., any dispute that may be raised by an aggrieved party has to be raised before the appropriate authority under Section 91 of the said Act and that such a

remedy cannot be said to be an inefficacious remedy for this Court to exercise writ jurisdiction.

6. This Court is of the opinion that there is substance in the contentions raised on behalf of respondent No.3 and that, therefore, the present writ petition deserves to be dismissed on that ground. The petitioner would always be at liberty to approach the appropriate authority under Section 91 of the said Act, if at all he is competent to avail of such remedy in accordance with law.

7. In view of the above, the writ petition is dismissed with liberty to the petitioner to invoke the aforesaid remedy, if at all available to the petitioner in the facts and circumstances of the case. If the petitioner chooses to avail of such remedy, it will be decided strictly in accordance with law.

JUDGE