

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

CIVIL APPLICATION (W) NO. 2791/2022 IN WRIT PETITION NO. 4494/2022 (D)

(SHESHRAO MAHADEVRAO PAHURKAR **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's order

Shri C.R. Sharma, counsel for the applicants.
 Shri P.S. Kshirsagar, counsel for the petitioner.
 Shri R.L. Khapre, Senior Advocate with Ms N.P. Mehta, Assistant Government
 Pleader for the R-1 to 3.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : DECEMBER 19, 2022.

The applicants seek leave to intervene in the present proceedings and file review application.

According to the applicants as per the schedule of elections published on 19.11.2022 the final voters list was to be published on 14.12.2022 and thereafter the elections were to be conducted in the manner stated by publishing the election programme. This election programme is to be declared on 23.12.2022. It is submitted that by accepting the statements made on behalf of the petitioner that final voters list had been published on 07.12.2022, various directions were issued in the writ petition and it was disposed of. It is therefore submitted that the said order be recalled and the writ petition be re-heard.

The learned counsel for the petitioner submits that in paragraph 4 of C.A.W. No. 2727 of 2022 it has been stated that the voters list will be prepared from 21.11.2022 to 14.12.2022. On the apprehension that charge of the Board of Administrators would be taken the aforesaid order was sought.

We find that one of the reasons for issuing the directions on 07.12.2022 was that the final voters list has been published. It is however not in dispute that the final voters list was published subsequently on 14.12.2022. In addition, the learned Senior Advocate for the State Government has submitted that all the writ petitions involving similar questions are being heard on 21.12.2022.

Since we find that the writ petition was disposed of by proceeding on the basis that the final voters list had been published which is not factually correct, the order dated 07.12.2022 is recalled and the writ petition is restored for consideration. The civil application is disposed of.

WRIT PETITION NO. 4494/2022.

Put up on 21.12.2022 for consideration.

(ANIL L. PANSARE, J.)

(A. S. CHANDURKAR, J.)

APTE