

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

WRIT PETITION NO.8111/2022

Samba Nanaji Parodhe and Others ..vs. State of Maharashtra through its
Secretary, Department of Co-Operation, Marketing and Textile, Mantralaya,
Mumbai and Others.

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

Court's or Judge's orders

Mr. O. A. Ghare, Advocate for petitioners.

Mr.A.M. Deshpande, Incharge G.P for respondent nos.1 and 3.

Mr. S. S. Ghate, Advocate for respondent no.2.

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

DATE : DECEMBER 16, 2022.

Heard.

The petitioners seek to challenge the election process that has been undertaken by the respondent nos.2 and 3 for holding election of the respondent no.4 – Society. One of the grievances raised by the petitioners is the selection of the cut off date for preparation of the provisional voters' list. It is submitted that initially the provisional voters' list was prepared by assigning the cut off date to be 01.11.2021. Subsequently, the provisional voters' list was prepared on 22.02.2022 but the election could not be held immediately. On 29.03.2022, the respondent no.2 passed an order directing the election process to commence by treating the cut off date as 01.04.2022. According to the petitioners, alteration in the cut off date has caused prejudice. By referring to the order dated 29.11.2022 issued by the respondent no.2, it is

submitted that the elections are directed to be conducted from the stage where they were from 20.12.2022 onwards.

We find that as per the election programme published, the stage of withdrawal of nominations has passed. On 21.12.2022, the symbols in the question are to be allotted after publishing the list of the eligible candidates. The elections in question are to be held on 01.01.2023. Granting the prayers made in the present writ petition would result in setting the clock back and directing the holding of elections from the stage of preparation of the provisional voters' list.

We find that this would amount to interference with the election programme that has progressed. The election programme having now commenced, we decline to interfere at this stage of the election process. Hence, by keeping the questions raised in the writ petition open for being urged in an appropriate proceeding if the occasion arises after the results are declared, the writ petition is not entertained and is dismissed accordingly. No order as to costs.

(Anil L. Pansare, J.)

(A. S. Chandurkar, J.)

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