

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

34 WRIT PETITION NO. 3804 OF 2023

**BHASKAR MADHAVRAO GUTTE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the petitioners : Mr.A.N.Irpatgire
AGP for Respondent-State : Mr.S.N.Morampalle
Advocate for the respondent nos.3 and 4 : Mr.S.K.Kadam

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CORAM : ARUN R. PEDNEKER, J.

DATE : 03.04.2023

P.C. :

1] Heard the learned counsel for the petitioners.

2] It is the contention of the petitioners that the name of the petitioners are not included in the final voters list of the respondent no.5 – APMC, Ahmedpur. It is the further contention of the petitioners that the petitioners are doing business in the sub-market yard at Kingaon and that they were not aware about the election programme. The election programme was displayed in the office of

respondent no. 4 i.e. the District Election Officer (APMC) and the District Deputy Registrar, Co-operative Societies, Latur, therefore, they were not aware about the election programme. They raised objections within time to the provisional voters list. The final voters list was published on 07.12.2022.

3] It is further the contention of the petitioners that the petitioners raised objections on 27.03.2023 in respect of inclusion of their names in the final voters list of the respondent no.5. The Election Authority rejected the claim of the petitioners on the ground that the same was not filed within time. The learned counsel for the petitioners submits that since they were not aware about the publication of the final voters list, the claim of the petitioners to include their names in the final voters list ought to have been considered by the election authority.

4] *Per contra*, the learned counsel for the respondent nos.3 and 4 submits that there is no requirement of law to publish provisional voters list in the

sub market yard. It is to be published in the office of the Market Committee which was done, so also, the provisional voters list was published in the office of the District Election Officer (APMC) and the District Deputy Registrar, Co-operative Societies, Latur. The learned counsel further submits that the elections programme was also published in the news paper, which is largely circulated news paper in the locality, and thus, the order passed by the election authority is legal and proper.

5] The order passed by the election authority is not patently illegal and since the election process is at an advanced stage, it is difficult for this Court to consider the claim of the petitioners at this stage. The petitioners are permitted to raise their grievances before appropriate authority as available in law.

6] With the above observations, the Writ Petition is disposed of.

[ARUN R. PEDNEKER]
JUDGE