

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.4823 OF 2023**

**DHUDKU SANDU SAPKALE AND OTHERS
VERSUS
DISTRICT DEPUTY REGISTRAR COOPERATIVE SOCIETY
AND ANOTHER**

...
Mr. S. S. Ghodke, Advocate for the Petitioners.

...
**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 25th APRIL, 2023.

P.C:-

1. Heard.
2. The challenge in the petition is to the final voters list dated 5th December, 2022 from the Hamal/Tolari category in the matter of election of APMC, Jalgaon.
3. The contentions of the learned counsel for the petitioners are, the respondents in provisional voters list have displayed the names of the voters i.e. petitioners, however, in the final voters list there being without any opportunity to the petitioners have deleted their names. He would further urge that, the Returning Officer before finalization of the voters list has committed illegal acts of inclusion of names of such person as voters who are not qualified. As such, he would urge that this Court should cause indulgence thereby not only directing postponing of the election, but to direct an enquiry by appointing the Commissioner for the purpose of correction of the voters list.

4. Mr. Yawalkar, learned Addl. G.P. would oppose the prayer.

5. The fact remains that the election programme has traveled at an advanced stage and the list of the validly nominated candidates is declared on 21st April, 2023. The date of voting is 28th April, 2023. As such, it has to be inferred that the election programme has traveled at an advanced stage. The voters list according to the petitioners was published on 5th December, 2022 and as such, the petitioners should have questioned the said voters list immediately after the publication of the said voters list.

6. In the aforesaid factual background, we deem it appropriate not to cause indulgence in the matter in Writ jurisdiction, as the election programme has traveled at an advanced stage i.e. up to the stage of voting.

7. With the above observations, writ petition is disposed of. We deem it appropriate to grant liberty to the petitioners to question the election by following due process of law.

(S. G. CHAPALGAONKAR)
JUDGE

(NITIN W. SAMBRE)
JUDGE