

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9270 OF 2023

Deepak Somnath Birla
and another

.... Petitioners

Versus

The Returning Officer/Superintendent,
Assistant Charity Commissioner,
Jalgaon and another

.... Respondents

.....

Mr. Girish V. Wani, Advocate for the Petitioners

Mr. P.N. Kutti, AGP for Respondent No.1

Mr. V.D. Hon, Senior Advocate i/b Mr. Dipesh Pande, Advocate
for Respondent No.2

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 31st JULY, 2023

ORDER :

1. The petitioners are aggrieved by the order passed by Respondent No.1/Returning Officer, thereby rejecting the applications of the petitioners for inclusion of their names in the provisional voters list.

2. Learned advocate for the petitioners assailed the rejection of petitioners' applications on the ground that no opportunity of hearing was given to the petitioners, and therefore, the impugned order is unsustainable. He submits that had opportunity been given, the petitioners would have

submitted receipts of depositing their membership fees and the copy extract of membership register before the Returning Officer. Since no hearing was given, the same could not be submitted before the Returning Officer.

3. During the course of hearing, learned Assistant Government Pleader was asked to take instructions from the Returning Officer/Officer from the office of Assistant Charity Commissioner, as to whether an opportunity of hearing was given to the petitioners. In written instructions received by the learned Assistant Government Pleader, it is mentioned that the applications of the petitioners were received on 24/07/2023 and 25/07/2023, and at the time the petitioners were heard. The applications were decided on the basis of hearing as well as written objections and documents/material produced along with the same.

4. Upon hearing the learned advocate for the petitioners, learned senior advocate for respondent No.2 and the learned Assistant Government Pleader for Respondent No.1, this Court is not inclined to interfere in the order impugned in the present petition.

5. Admittedly, the petitioners have failed to submit the documents annexed to this petition like membership fees receipts, copy of extract of membership register along with the applications filed by them before respondent No.1/Returning Officer. The election programme is at the advanced stage. Accepting the statement made by respondent No.1/Returning Officer that petitioners were heard at the time of filing their applications, no merit is found in the contention of the petitioners that no opportunity of hearing was given to them. No case is made out by the petitioners to interfere in extraordinary writ jurisdiction. Writ petition being devoid of merit is dismissed. The petitioners may avail appropriate remedy in accordance with law.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane