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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11575 OF 2023

Babasaheb Yashwant Malshikhare and Others PETITIONERS

VERSUS

The State of Maharashtra and Others RESPONDENTS

Mr. Ram S. Shinde, Advocate for the petitioners

Mr. P. G. Borade, AGP for respondent - State

Mr. V. H. Dighe, Advocate for respondents No.3 and 4

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th SEPTEMBER, 2023

ORDER :

1. Petitioner No.4 has raised an objection before the Returning Officer on 5th September, 2023 contending that the final voters' list does not contain names of 70 members of respondent No.5 society. The said objection is rejected by the Returning Officer, hence, the present writ petition.

2. Indisputably, the election programme is published on 22nd August, 2023, and on that date provisional voters' list was published. As per the election programme, objections on the provisional voters' list were to be submitted between 22nd August, 2023 and 28th August, 2023. From 28th August, 2023 to

5th September, 2023, the objections were to be considered and decided and final voters' list was to be published on 5th September, 2023.

3. Petitioner No.4 filed his objection on 5th September, 2023 claiming that names of 70 members of the respondent No.5 society are not included in the provisional voters' list and, therefore, their names be included. This objection is turned down by the Returning Officer holding that the objection is not raised within stipulated time and no proof or document is submitted along with the objection.

4. It is the further contention of the petitioners that on 7th September, 2023, Secretary - respondent No.5 has also informed the Returning Officer that names of 70 members are inadvertently remained to be included in the provisional voters' list and, therefore, their names be included in the final voters' list.

5. Heard learned advocate for the petitioners. Learned Assistant Government Pleader for respondents No.1 and 2 – State and learned advocate for respondents No.3 and 4. Perused the memo of writ petition, its annexures and the impugned order.

6. Admittedly, petitioner No.4 has filed the objection to the provisional voters' list after the stipulated time given in the election programme. Even the Secretary - respondent No. 5, has filed the objection after the stipulated time was over. The Returning Officer is justified in rejecting the objection raised by petitioner No.4, holding that the objection is not filed within stipulated time and no proof or document was submitted along with the objection.

7. Learned advocate for respondents No.3 and 4 has pointed out that the petitioners have alternate remedy in view of the order dated 26th November, 2021 passed at Principal Seat by the Division Bench of this Court in Writ Petition No. 5878 of 2021.

8. In view of the aforesaid, no case is made out by the petitioners for exercise of extraordinary writ jurisdiction to cause interference in the ongoing election programme. The writ petition being devoid of merit is dismissed, with liberty to the petitioners to avail alternate remedy.

[NITIN B. SURYAWANSHI]
JUDGE