

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3549 OF 2023

Mr. Vitthal D. Mhaske & Anr.	...Petitioners
Versus	
State of Maharashtra & Ors.	...Respondents

Mr. S. P. Chavan, for the Petitioners.

Mr. A. P. Vanarase, AGP, for the State/Respondent No.1.

Mr. Deelip Patil Bankar, Chief Standing Counsel, SCEA, for Respondent Nos. 2 and 3.

Mr. Kuldeep Nikam, for Respondent No.4.

Mr. Kedar Purav, for Respondent No.6.

CORAM : MADHAV J. JAMDAR, J.

DATED : 5th SEPTEMBER 2023

P.C. :

1. Heard Mr. Chavan, learned counsel appearing for the Petitioners, Mr. Vanarase, learned AGP appearing for the State-Respondent No.1, Mr. Deelip Patil Bankar, learned counsel appearing for Respondent Nos.2 and 3, Mr. Kuldeep Nikam, learned counsel appearing for Respondent No.4 and Mr. Kedar Purav, learned counsel appearing for Respondent No.6.

2. By the present Writ Petition challenge is to the legality and validity of the order dated 20th January 2023 passed by the Taluka Co-operative Election Officer alias Assistant Registrar Co-operative Societies, Palus. By the impugned order, objection taken by the Petitioners to the provisional voters list is rejected.

3. It is the main contention of Mr. Chavan, learned counsel appearing for the Petitioners that the hearing was conducted by one Anant Prabhakar Kulkarni who is serving in the office of Assistant Registrar, Co-operative Societies, Palus and not Mr. Amol Daphale, Taluka Co-operative Election Officer.

4. However, perusal of the record shows that the roznama dated 20th January 2023 bears signature of the learned Advocate who has appeared for the Petitioners. Apart from that, the Petitioner No.1 by letter dated 25th January 2023 sought copy of order dated 20th January 2023 passed by the Election Officer and it is specifically mentioned that the hearing was conducted before him. Thus, there is no substance in the contention raised by the Petitioners that hearing was not conducted by the Election Officer. In the impugned order, it has

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been inter alia stated that in the objection very vague allegations are made.

5. Perusal of the objection dated 16th January 2023 preferred by the Petitioners clearly shows that no details are given.

6. Apart from this, in view of the law laid down by the Supreme Court in **Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha & Anr. vs. State of Maharashtra & Ors.**,¹ the Writ Petition is not maintainable. The Supreme Court has held that as the election process has started, it is well settled that the High Court should not stay the continuation of the election process even though there may be some alleged illegality or breach of rules.

7. This is not a petition where interference of this Court under Articles 226 and 227 of the Constitution of India is warranted.

8. Accordingly, the Writ Petition is dismissed, however with no order as to costs.

[MADHAV J. JAMDAR, J.]

1 (2001) 8 SCC 509:2001 SCC Online SC 1144

