

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14423 OF 2022**

Shamshuddin Shaukat Patwegar & Anr ...Petitioners
Versus
The Kolhapur Agricultural Produce Market ...Respondents
Committee & Ors

**WITH
WRIT PETITION NO. 3662 OF 2023**

Shamshuddin Shoukat Patvegar ...Petitioner
Versus
Maharashtra State Co op Election Authority & ...Respondents
Ors

**Mr Surel S Shah, for the Petitioner in both Petitions.
Ms PN Diwan, AGP, for the Respondent-State.**

**CORAM G.S. Patel &
 Neela Gokhale, JJ.
DATED: 21st March 2023**

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PC:-

WRIT PETITION NO 14423 OF 2022:

1. The Petitioners and several hundred others have been removed from the voters list for the elections to the Kolhapur

APMC. After the Petition was filed, the Petitioners were informed that the reason for the exclusion is because that they did not meet the eligibility criteria. Specifically, the ground given was that they had not completed the required two years of licensed membership and therefore they could not be included in the members list.

2. In view of this, we find no reason to interfere. Hence, Civil Writ Petition No. 14423 of 2022 is rejected.

WRIT PETITION NO. 3662 OF 2023:

3. The Petitioners' names were excluded, along with those of several others, from the voters list for the Kolhapur APMC elections. They did not appear in the provisional voters list and the final voters list was published on 28th March 2023.

4. It seems that the reason for exclusion was that the Petitioners were not eligible, not having completed two years of licensed membership. Mr Shah states that the cut-off date is liable to be extended because others have been given the benefit of an extension because in the meantime elections to cooperative societies and gram panchayats took place and these also form a constituency for the 3rd Respondent Committee. The elections to the APMC were to be concluded by 30th January 2023. However, these were postponed. On 8th February 2023, the 1st Respondent directed that election be commenced from 10th February 2023 and the voters list includes those members of cooperative societies and gram panchayats. The Petitioners applied to the 1st Respondent for inclusion of their

names in the voters list saying that on the revised schedule they would meet the necessary eligibility criteria. That representation has not been decided.

5. We are not inclined to stay the elections in these circumstances. However, we make it clear that if the election proceeds, the results may be made subject to the outcome of this Petition including, if necessary, directing that a fresh election be held. In the meantime, the authorities concerned are to consider the representation made by the Petitioners and to pass a speaking order thereon within two weeks.

(Neela Gokhale, J)

(G. S. Patel, J)