

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1811 OF 2023

Madhukar Kashiram Kankale __ Vs. __ District Election Officer and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.A.M.Tirukh, Advocate for petitioner
Mr. N.R.Patil, AGP for respondent/State
Mr. R.G.Kavimandan, Advocate for respondent no.3

CORAM : AVINASH G. GHAROTE, J.
DATE : 03/04/2023

1] Mr. Kavimandan, learned counsel for the respondent no.3 has tendered across the bar, his submissions, which are taken on record.

2] The petition challenges the order dated 17.3.2023 (pg.23), whereby the objection raised to the inclusion of the name of the respondent no.3 in the final voters' list has been rejected by the Returning Officer.

3] Mr. Tirukh, learned counsel for the petitioner submits that the respondent no.3 stands disqualified by the order dated 13.7.2020 passed by the respondent no.1 and as such is ineligible to be included in the final voters list.

4] Mr. Kavimandan, learned counsel for the respondent no.3 does not dispute that by the order dated 13.7.2020, the respondent no.3 stands disqualified (pg.34). He however contends that a writ petition challenging the said order dated 13.7.2020 is presently pending before this Court in W.P. No. 2085/2020.

5] It is however, trite to note that there is no stay granted by this court in W.P.No. 2085/2020, as a result of which the order of disqualification dated 13.7.2020 is still in force. However, today is the last date of filing of nomination and considering the stage, it would not be correct for this Court to direct modification of the final voters list, in view of which the petition is dismissed with liberty to raise the objection regarding disqualification of respondent no.3 either at the stage of scrutiny of the nomination form or by any other mode in any proceedings permissible in law.

6] Writ petition is accordingly dismissed. No costs.