



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO. 87 OF 2024

Suhas S/o Manohar Wankhede,
Age:-31, Occupation :- Researcher at
Dr. Babasaheb Ambedkar Marathwada University,
R/o:- N-4/E-61, CIDCO, Aurangabad-431003. ..PETITIONER

VERSUS

1. Election Commission of India, Nirvachan Sadan
Ashoka Road, New Delhi – 110001.
2. Chief Electoral Officer, Maharashtra, General
Administration Department, 6th Floor, Annex
Building, Madam Cama Marg, Hutatma Rajguru
Chowk, Mantralaya, Mumbai – 400032.
3. District Election Officer cum Collector
Central Administrative Building
Fazalpura, Aurangabad - 431001 ..RESPONDENTS

...
Petitioner in person : Shri Suhas Manohar Wankhede present
...

**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 07 JANUARY 2025

ORDER (MANGESH S. PATIL, J.) :

The petitioner in person claims that he is espousing a public cause.

2. We have heard him.

3. The petitioner is coming with following prayers :-

- “a. To direct respondent No. 1, 2 to remove all structures (Campaign offices) overnight violating 200 mtr rule throughout Maharashtra.
- b. To direct respondent No. 1, 2 to make social media posts

(Twitter, WhatsApp, Instagram, YouTube) with respect to create awareness of MCC rule regarding educational institutes, hospitals and religious places;

- c. To direct respondent No. 3 to facilitate infrastructure and provide accessible resources to achieve above requests.”

4. As can be appreciated, all these prayers were made in the wake of the impending elections for Legislative Assembly of the State. The elections are already over.

5. Though petitioner alleges violation of the Model Code of Conduct, and is soliciting initiation of enquiry against the erring officials, in our considered view, the public interest litigation would require and intends to undertake a fishing enquiry, which cannot be resorted to under the guise of espousing a public cause. Rival candidates could have taken exception if there was breach of the Model Code of Conduct.

6. In our considered view, no relief, as is being claimed at the instance of the petitioner, can be granted.

7. Petition is dismissed.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/