

Ashish

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

WRIT PETITION NO.4072 OF 2025

Murlidhar Rangrao Gaikwad ... Petitioner
V/s.
State Cooperative Election Authority
Maharashtra and ors. ... Respondents

Mr. S.S. Patwardhan a/w Ms. Mrinal A Shelar, for
Petitioner.

Ms. Savita A. Prabhune, AGP for State.

Mr. Deelip Patil Bankar, Senior Advocate i/b Mr. Dilip
Bodke a/w Ms. Pooja Deelip Patil, for Respondent Nos.
1, 2 and 3.

Mr. Bhooshan R Mandlik a/w Mr. A.P. Pawar for
Respondent No.4.

Mr. Aditya Shirke for Respondent Nos.72 and 109.

Mr. Girish Godbole, Senior Advocate a/w Mr.
Shailendra Kanetkar i/b Mr. Shivraj Patne, for
Respondent No.5.

CORAM : AMIT BORKAR, J.

DATED : MARCH 28, 2025

P.C.:

1. Learned Advocate for the Petitioner has tendered for the perusal of this Court an affidavit affirmed by one Murlidhar Rangrao Gaikwad, the petitioner herein, wherein it is averred that in compliance with the directions issued by this Court vide order dated 21st March 2025, he has caused electronic service of notices

upon all the respondents by utilizing the messaging application 'WhatsApp'. It is stated that the said notices were dispatched individually to the respective mobile numbers of the respondents through the said digital platform.

2. It is further deposed by the petitioner that on 24th March 2025, Respondent No.3, who is the designated Returning Officer, convened a meeting of all contesting candidates, in accordance with the declared schedule of the election process, for the purpose of final publication of the list of validly nominated candidates. In the said meeting, Respondent No.3 is stated to have effected service of a copy of the present petition upon all contesting candidates who were present during the said meeting. It is additionally brought on record that a public notice was also published in the local Marathi daily newspaper 'Pudhari', dated 23rd March 2025, wherein the names of all contesting candidates have been enumerated and information was disseminated to the effect that the present petition is listed for final hearing before this Court on 25th March 2025.

3. In addition to the above, an affidavit of one Mr. Vaibhav Haridas Nanaware has been filed, wherein it is stated that notices pertaining to the present petition were also electronically transmitted via WhatsApp to 138 candidates who had withdrawn their nominations, as well as to the remaining respondents, barring four individuals whose names are specifically mentioned in the affidavit. The said service is also stated to have been effected using the aforesaid messaging platform.

4. Learned Advocate appearing on behalf of the Election Authority has sought time to place on record an affidavit of service in compliance with the directions issued by this Court in its order dated 21st March 2025, specifically in relation to service upon the respondents. Furthermore, he submits that an affidavit on behalf of the Appellate Authority shall also be filed, clearly indicating whether, on the date of delivery of the judgment, all contesting respondents had been duly served and whether the Appellate Authority was in possession of proof of such service prior to pronouncement of the judgment. The said affidavit shall be positively filed on or before 1st April 2025.

5. Inasmuch as the matter has already been heard in part and the contesting parties have made their respective submissions, it is directed that any of the remaining respondents, who have not appeared or remained unrepresented on the earlier occasion(s), shall be at liberty to appear before this Court and make their submissions on the next date of hearing, i.e., 1st April 2025. It is further clarified that this shall be treated as the final opportunity for such respondents to put forth their contentions, if any. To facilitate such opportunity, the petitioner is directed to cause publication of one additional notice in the local daily newspaper, informing that the present petition is scheduled for final hearing before this Court on 1st April 2025. It is made explicit that such publication shall be treated as the last and final notice to the non-appearing respondents.

6. The petitioner, through learned counsel, has also sought leave of this Court to file an additional affidavit on record, inter

alia, annexing therewith the copies of the acknowledgments evidencing electronic service of notices upon the respondents through the messaging application WhatsApp. Leave, as prayed for, is granted. The said affidavit shall be filed before the next date of hearing with a copy served on the other side.

7. Stand over to 1st April 2025. The matter shall be placed *first on board* for further consideration.

(AMIT BORKAR, J.)