

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-256-2020**

Domingo Dmello & anr.

.... Petitioner.

Versus

State of Goa & Ors.

.... Respondents.

Mr Prashil Lotlikar, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Ms. Ankita Kamat, Addl.
Government Advocate for the Respondent nos.1 to 7.

Mr. Arjun Naik, Advocate for the Respondent no.8.

Coram : M. S. SONAK, &**SMT. M. S. JAWALKAR, JJ.****Date : : 7th October, 2020**

P.C.:

Heard Mr. Prashil Lotlikar, learned Advocate for the petitioner. Mr. D. Pangam, learned Advocate General appears

alongwith Ms. Ankita Kamat, learned Addl. Government Advocate for the respondent nos.1 to 7. Mr. Arjun Naik, learned Advocate appears on behalf of respondent no.8.

2. The elections are scheduled to be held on 12.10.2020. Normally, once the election process commences it would not be proper to stay the same particularly on the grounds now raised by the petitioners. The learned Advocate General points out that one of the grievances of the petitioners was that no elections are being held. Now that the elections are being held, the grievance is that the elections are being held on the basis of a defective voters' list.

3. Mr. Lotlikar, learned Advocate points out that the grievance about the defective voters' list was contained in the original list itself.

4. According to us, this is not a fit case for grant of any stay on the elections now that the elections are to be held on 12.10.2020.

5. However, we hold that the holding of elections be subject to any further orders that may be made in this petition, since, Mr. D.J. Pangam, learned Advocate General points out that there is a peculiar remedy under the Act or the Rules in relation of any election.

6. The respondents to file a response within four weeks by service of advance copy on the petitioners. In the result, if the elections are not taken, liberty is granted to the petitioners to enlist this petition to challenge the election inter alia by impleading all the necessary parties.

7. The issue of maintainability of this petition is also kept open.

8. Stand over to 04.11.2020.

SMT.M.S.JAWALKAR, J.

M. S. SONAK, J.

MF/-