

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3954 OF 2015

GAURI CHETAN DESHMUKH
VERSUS
STATE ELECTION COMMISSION, MUMBAI AND OTHERS

...
Advocate for Petitioner : Mr. A.D. Shinde
Advocate for Respondents 1-3 : Mr. S.T.Shelke

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CORAM : R. M. BORDE & V.K. JADHAV, JJ.
Dated: April 13, 2015

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PER COURT :-

1. Yesterday, the order was passed on the representation made by the petitioner that, her name appears in the electoral roll prepared for the elections of Village Panchayat and as such, interim relief was granted in favour of the petitioner in terms of prayer clause (DD). At the end of the day, learned counsel appearing for the Election Commission pointed out that, in fact, name of the petitioner does not appear in electoral rolls and on consideration of the request made by the counsel appearing for Election Commission, matter was again listed for hearing today.

2. Today, when the matter is called out, the learned counsel appearing for the Election Commission pointed out the final list of the Village panchayat and pointed out that, name of the petitioner does not appear in the said list. Reliance is placed on Section 12 of The Bombay Village Panchayats Act, 1958 to contend that electoral roll of the [Maharashtra Legislative Assembly] prepared under the provisions of the Representation of the People Act, 1950 (XLII of 1950), and in force on such day as [the State Election

Commissioner may by order] notified in this behalf for such part of the constituency of the Assembly as is included in a ward or a village shall be the list of voters for such ward of village. It is pointed out that 10.2.2015 was the cut-off date prescribed by the State Election Commission and as per programme of finalization of the voters list, the objections were required to be tendered by 26.2.2015 and on consideration of the objections list was required to be finalized on 14.3.2015. Admittedly, the petitioner tendered objection to the list on 30.3.2015 which is beyond the prescribed date and as such name of the petitioner does not find place in the electoral roll.

3. Learned counsel appearing for the petitioner, at this stage, makes a request to permit him to withdraw the petition. Leave granted. Writ Petition is disposed of as withdrawn.

(V.K. JADHAV, J.)

(R. M. BORDE, J.)

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aaa/-