

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

30 WRIT PETITION NO. 7196 OF 2015

SHIVAJI ATMARAM THORE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Salunke V.D.
AGP for Respondents No.1 to 3: Mr. S.G. Karlekar
Advocate for Respondent No.4 : Mr. S.T. Shelke
...

CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: July 27, 2015
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PER COURT :-

1 The petitioner is objecting to the final list of voters, published by the State Election Commission, on the ground that, the names of the voters, which are incorporated in one ward, including the names of the petitioners, are transferred to some other wards.

2 Counsel appearing for the petitioner, placing reliance on section 12 of the Bombay Village Panchayat Act, contends that, it is responsibility of the respondents to prepare the electoral rolls, on the basis of list of voters of Maharashtra legislative assembly, prepared under the provisions of Representation of Peoples Act and in force of such day as the State Election Commissioner may, by order notify in that behalf, for such part of constituency of the Assembly, as included in a ward or village and it shall be list of voters for such ward or village.

3 It is contended that, although earlier list which was published by the State Election Commissioner, for conducting assembly elections, was ward specific, while preparing the list for holding elections to the

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village Panchayat, the names of the petitioners and others which were incorporated in one ward are transferred to another ward on consideration of an objection by somebody, who has no concern and that too, without extending any opportunity of hearing to the petitioner. The petitioner contends that, the electoral rolls were earlier prepared ward-wise for holding elections to the assembly constituency.

4 Learned Advocate. appearing for State, on instructions, makes a statement that, the electoral rolls prepared for assembly elections were not ward-specific and as such the contention raised by the petitioner does not deserve consideration.

5 It does appear that the list has been finalized by the respondent authorities and the name of the petitioners have been transferred from one ward to another ward, without extending opportunity of hearing to the petitioner. However since the programme of election has reached advance stage, we do not propose to cause any interference. It would be open for the petitioner to raise appropriate grievance at an appropriate stage by resorting to proper remedies.

In view of above, keeping option of the petitioner to raise a dispute at an appropriate stage, open, writ petition is disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)