

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

WRIT PETITION NO. 7234 OF 2015

Rajashree Ramrao Sontakke

...PETITIONER

versus

The State Election Commission and ors.

...RESPONDENTS

.....
Mr. V.D. Gunale, Advocate for Petitioner

Mr. S.T. Shelke, Advocate for respondents No. 1 and 4

Mr. S.P. Daund, A.G.P. For respondents No. 2 and 3.

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CORAM : SUNIL P. DESHMUKH, J.

DATED : 21st JULY, 2015

Order :-

1. This petition has been moved by the petitioner against non-inclusion of her name in the final voters' list published on 13-06-2015, for Gram Panchayat, Pimpalgaon (Muruddeo), for the term of 2015-2020.

2. According to learned counsel for petitioner, while assembly voters' list does contain petitioner's name for Gangakhed Assembly Constituency in respect of Pimpalgaon (Muruddeo) at serial No. 39, strangely her name disappears and is referred to as deleted in the Gram Panchayat's final voters list wherein her name ought to figure at serial No. 46.

3. Learned counsel further submits that having regard to section 12 of the Maharashtra Village Panchayats Act, 1958 petitioner's name ought to have been considered for inclusion in the final voters' list. He

submits that deletion is grossly illegal and unsustainable in law.

4. It transpires, after hearing learned counsel for the parties that, the petitioner along with some persons had, in fact, been before the Tahsildar, Palam seeking inclusion of her name in the voters' list. Under order dated 17-07-2015, the Tahsildar has referred to various other events, *inter-alia*, that pursuant to the orders of the State Election Commission, earlier 10-02-2015 was the cut off date in respect of Assembly voters' list and based on the same, provisional list of the voters for Gram Panchayat election was published on 26-02-2015. Objections, if any, to the list were to be submitted on or before 05-03-2015 and 14-03-2015 was the date for publication of final voters' list.

5. Subsequently, State Election Commission under its order dated 21-05-2015 declared cut off date to be 18-05-2015 for the Assembly voters' list and, accordingly, date of publication of provisional voters' list for Gram Panchayat elections was 01-06-2015. Thereafter, by 06-06-2015, objections were to be submitted. Final voters' list was to be published on 13-06-2015. Accordingly, in respect of Gram Panchayat elections of Pimpalgaon (Muruddeo) final voters list was published on 13-06-2015. It is further referred to that either after 26-02-2015 or even after 01-06-2015 no objections or complaints had been received in respect of non inclusion of petitioner's name in the voters' list for Gram Panchayat election. The Tahsildar, therefore, appears to have rejected the request of the petitioner along with that of others.

6. Having regard to aforesaid, petitioner's counsel states that no procedure, as such, appears to have been followed while deleting petitioner's name. However, looking at the order, it cannot be *prima facie* disregarded and submissions of learned counsel in any case give rise to questions of facts. In view of the same, I am not inclined to entertain writ petition.

7. Writ petition, as such, stands rejected. However, it would be open for the petitioner to take up appropriate proceedings as would be available under law for redressal of her grievance, including an election petition.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK