

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO.16905 OF 2015**

Popat Narayan Shinde

..Petitioner

Vs.

The State of Maharashtra & Ors.

..Respondents

Mr. R. P. Bhosale i/b Ms Smita Gaidhani for the Petitioner

Mr. S. D. Rayrikar AGP for the State

CORAM : R. M. SAVANT, J.

DATE : 1st July, 2015

P.C.

1 The order dated 11-6-2015 passed by the Tahsildar Phaltan, rejecting the application filed by the Petitioner for deleting the names of 39 persons who are shown as being residents of Village Hanmantwadi is taken exception to by way of the above Petition.

2 The Petitioner had initially raised objection to the names of 48 persons mentioned in his application who were shown as residents of Hanmantwadi which is in Ward No.3 of Grampanchayat in question, on the ground that they are not residents of the said village. The Designated Officer refused to delete any names. However, by the instant order 9 names were deleted whereas the application in respect of deletion of the remaining 39 names was rejected. An affidavit has been filed by the Respondent No.2 herein stating the reason as to why the said 39 names were not deleted. It is

mentioned in paragraph 3 of the said affidavit that the said 39 names were not deleted because the said names are taken as per the voters list prepared for the assembly election. It is further stated that as per Section 12 of the Maharashtra Village Panchayat Act, 1958, the said authority has no right to delete the names which are already appearing in the electoral roll for the assembly elections. In the light of the fact that the names have been included on the basis of the assembly roll, in my view, the order passed by the Designated Officer cannot be faulted with. Hence no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]