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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 9550 OF 2015

Raghu Sahebrao Kolekar and ors.

.. Petitioners

Vs.

The Tahsildar,
Malshiras, District Solapur and ors.

.. Respondents

Mr. S. S. Raut for petitioners.

Mr. P. P. Kakade, AGP for State.

Mr. S. B. Shetye for respondent no.3.

CORAM: NARESH H. PATIL &
S. B. SHUKRE, JJ.

OCTOBER 07, 2015.

P.C.

1. The petitioners challenge inclusion/exclusion of names of certain persons from one ward to another ward. The grievance of the petitioners is that the list of voters published by the Tahsildar and Designated Officer of the State Election Commission shall be in conformity with the house numbers mentioned in the order of formation of ward, by the Collector. The grievance of the petitioner is that in many cases the name of voters are shown in the list provisionally and finally published contrary to the house numbers described in the ward formation. This, according to learned counsel, is contrary to the provisions of the Maharashtra Village Panchayat Act, 1958, Registration of Ward Rules and the Maharashtra Village Panchayats (Number of Members, Divisions into Wards and Reservation of Seats) Rules, 1966. He submits that Tahsildar and Designated Officer did not conduct a proper enquiry to ascertain

ordinary residence of such persons.

2. Learned counsel Mr. Shetye submits that in accordance with the provisions of Sections 12 and 13 of the Maharashtra Village Pachayat Act, 1958, the voters' list is prepared. The assembly list is the basis for preparing the voters' list as per the cut-off date prescribed by the State Election Commission. He submitted that in the present case the Tahsildar and Designated Officer conducted necessary enquiry and on the basis of the report prepared, order was passed and objections raised were dealt with.

3. We have perused the records. The election programme was declared on 29/9/2015. The date of nomination is 13/10/2015. Voting will take place on 1/11/2015. Ward formation was done by the Collector on 12/2/2015. On 31/8/2015 provisional voters' list was published.

4. The Tahsildar and Designated Officer passed a detailed order, which is annexed at Exhibit "E". The Tahsildar and Designated Officer has placed reliance on the report of the fact finding of Circle Inspector, Islampur.

5. Considering the above stated facts and record, no interference is warranted under extra ordinary writ jurisdiction of this court. Petition is dismissed.

(S. B. SHUKRE, J.)

(NARESH H. PATIL, J.)

CERTIFICATE

Certified to be true and correct copy of the original
signed Judgment / Order.