

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11093 OF 2015

WITH

CIVIL APPLICATION (St.) NO. 31815/2015

Himmat Bhiku Deshmukh & Ors.

.. Petitioners

vs

State Election Commission, Maharashtra & Ors.

.. Respondents

Mr. Dilip Bodake for the petitioners.

Mr. S.B. Shetye for respondent no.1.

Mr. P.P. Kakade, A.G.P for the respondent – State.

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

DATE : 23RD NOVEMBER 2015

P.C.:

Learned counsel for the petitioners submits that the petitioners' names have been wrongly incorporated in different wards which is contrary to their residential proof. It is submitted that last year's population figure of Nandgaon Gram Panchayat was 2125. The present population figure is 2164. There are three wards formed in the present Gram Panchayat.

2. Learned counsel for the petitioners further submits that in Ward No.3, the figure of voters exceeds the population figure. It is submitted that Ward No.1 records 443 voters, Ward No.2 records

541 voters and Ward No.3 records 749 voters against which the population figure reads as under:-

Ward No.1	..	721
Ward No.2	..	720
Ward No.1	..	724

3. Learned counsel for the petitioners submits that if proper survey was conducted, the names of the petitioners would have been incorporated in accordance with their actual residence. In absence thereof, the petitioners would be prejudiced.

4. Learned counsel appearing for the Election Commission submits that the Commission is looking into various such allegations and contentions raised in various proceedings filed before this Court. It is submitted that the Commission would make every effort to hold fair and free election and if necessary amendment to the Rules would be brought into effect.

Learned counsel further submits that the concerned election officers would be further trained and instructed to conduct appropriate survey in the prescribed manner before passing orders on application for change of name in the voters' list or while raising objection to the delimitation notification.

5. We expect the Commission to continuously make efforts

to reform and strengthen the election process so that free and fair elections are held throughout the State.

6. In the present case, we find that the election programme has already commenced and the date of withdrawal is tomorrow.

7. In this view of the matter, no further interference is warranted at this stage.

8. In view of the observations made as above, the petition stands disposed of.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)