

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11156 OF 2015

Bapu Hirappa Kharche .. Petitioner
vs
The Tahsildar Malshiras & Ors. .. Respondents

Mr. Prabhanjan Gujar for the petitioner.
Mr. S.B. Shetye for respondent no.3.
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.:

This is second round of litigation in respect of change of names in the voters' list. In the first round of litigation in Writ Petition No. 9594 of 2015, we had remanded the matter back to the Tahsildar. The Tahsildar has passed a fresh order on 29th October 2015 which is impugned herein. The Tahsildar has stated that 41 voters are shown to be voters in Ward No.2 whereas 89 voters, who were part of Ward No.3, are shown to be voters of Ward No.1.

2. Mr. Shetye, learned counsel for the Election Commission, submits that the election programme has already commenced and the date of withdrawal is tomorrow.

3. In view of the above, no interference is called for in exercise of extraordinary writ jurisdiction. The Election Commission shall train and instruct the officers to conduct appropriate survey in the prescribed manner before passing orders on application for change of name in the voters' list.

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

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)