

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5071 OF 2015

1. Shri Solankar Vitthal Appaso and ors. .. Petitioners.

V/s

1. The Election Commission of India
and ors. .. Respondents.

Mr. R.S. Kadam, for the Petitioners.

Mr. S.B. Shetye, for the Respondent No.2.

Mr. Vikas Mali, AGP, for the Respondent Nos.3 to 6.

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

DATED : 10th July, 2015

P.C.

1. The petitioners' grievance is that in previous election, they had voted as voters from Ward No.5 and in the present election, their names have been shown in Ward No.3. Mr. Kadam, the learned counsel appearing for the petitioners submits that this has been deliberately done. The learned counsel submits that the authorities involved have misdirected themselves in preparation of the voters' list. Today, an

affidavit-in-reply has been filed by Mr. Ramesh Chintamani Patil, working as Residential Nayab Tahsildar, Taluka Baramati. The deponent submits that on 11th June, 2015, he had personally visited the village and conducted panchnama of the houses situated in Ward No.3. The panchnama was drawn in front of Talathi of village Niarawagaj, Circle Officer of Malegaon and five independent persons. Copy of panchnama, statement of the signatures are annexed to this affidavit-in-reply. He submits that nomination papers will be submitted on 13th July, 2015.

2. The learned counsel appearing for the petitioners disputes the signatures of some of the persons as per the statement annexed to the affidavit-in-reply. The learned counsel submit that panchnama has not been properly drawn, as the report is submitted by Sub-Zonal Officer. The issue as to whether the petitioners actually reside in Ward No. 3 or Ward No.5, is an issue which is based on the documentary evidence, statement recorded and the view of the concerned

officer formed after visiting the site.

3. In case, the petitioners find that certain signatures were forged, they are at liberty to approach the Collector in this regard.

4. Since, the election process is already set in motion and in view of the affidavit filed by the Nayab Tahsildar, we are not inclined to interfere. The petition is dismissed.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)