

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.11402 OF 2016

Prashant Lachhiram Dasarwar
and anr.

..Petitioners

Vs.

The State of Maharashtra
and ors.

..Respondents

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Mrs.R.S.Kulkarni, Advocate i/b. Mr.S.S.Kulkarni,
Advocate for petitioners

Mr.K.D.Mundhe, AGP for respondent nos.1 and 4

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**CORAM : R.M. BORDE AND
SANGITRAO S. PATIL, JJ.
DATE : NOVEMBER 22, 2016**

PER COURT :

Heard.

2. Leave to carry out corrections in the
prayer clause.

3. The grievance raised by the petitioners
in the instant petition is in respect of shifting
of their names recorded in the voters' list at the
stage of preparation of the provisional voters'

list, from one ward to a different ward while finalising the same.

4. The petitioners contend that the act of the respondents transferring the names of the petitioners from the list of the voters' from one ward to a different ward is *mala fide* and in breach of the provisions governing finalisation of the lists of the voters'. It is contended by the petitioners that their names do find place in ward no.8 of Degloor Nagar Parishad.

5. Since the names of the petitioners appear in the voters' list prepared for the elections of Degloor Nagar Parishad in ward no.8, they do have right to cast their votes and such right cannot be taken away. It would be open for the petitioners to raise appropriate challenge at an appropriate stage in the event of occurrence of any fresh cause action in future.

6. With the clarification that the petitioners do have right to cast their votes and that they are entitled to contest elections for Degloor Nagar Parishad, the present petition stands disposed of.

[SANGITRAO S. PATIL, J.]

[R.M. BORDE, J.]

kbp