

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13320 OF 2016

Mahendra Yadav Gharat.] ... Petitioner

Versus

State of Maharashtra and Ors.] ... Respondents

Mr. Chaitanya Pendse for Petitioner.
Mrs. M. P. Thakur, AGP for State.
Mr. Vikram Pai for Respondent No.5.
Mr. S. B. Shetye for Respondent No.6.

CORAM :- NARESH H. PATIL &
M. S. KARNIK, JJ.
DATE :- DECEMBER 15, 2016

P. C. :-

1. The petitioner seeks direction to the respondents for correction in the voters' list by inclusion of names of voters who have been wrongly deleted and further deleting the names of voters who have been wrongly included and for restraining the respondents from declaring the election program for by-election.

2. According to the declared program, voters list was

published on 16/09/2016. Objections and suggestions were to be submitted by 07/11/2016 and the list of voters shall be published on 16/11/2016. Admittedly, the petitioner did not submit objections to the voters list published by the State Election Commission.

3. Learned counsel for the petitioners submitted that the names of the petitioners are required to be included at proper place and in the appropriate Ward as prayed by the petitioners. Even if the voters' list was finalized, the petitioners still would apply for correction of the voters' list in the larger interest. The Election Authority shall allow such correction to be carried out.

4. Learned counsel for the petitioners placed reliance on the judgment in the case of Dhondba Adku and anr. vs. Civil Judge, Junior Division, Hinganghat and ors. **[1967 AIR (Bom) 232]**.

5. Learned counsel Mr. Shetye appearing for the State Election Commission submitted that admittedly the petitioners did not raise objection to the draft voters' list. The voters' list has now been finalized and is published. Learned counsel has referred to provisions

of Sections 12 and 14 of the Maharashtra Village Panchayats Act, 1949.

5. We perused the record placed before us and the judgment cited (Supra). The petitioners failed to raise any objection to the draft voters' list. The voters' list has become final. The mistakes in the voters' list are to be corrected as far as possible within the framework of the Act.

6. In the facts, we are not inclined to exercise our writ jurisdiction. However, we direct the State Election Commission to take note of the situation which is brought before this court and if permissible in law, the State Election Commission may take necessary steps.

7. With these observations, petition is disposed of.

(M. S. KARNIK, J.)

(NARESH H. PATIL, J.)