

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3338 OF 2017

Datta S/o Tukaram Renge

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr. M.M. Joshi advocate for the petitioner

Mr. V.M. Kagne, AGP for Respondent State

Mr. S.T. Shelke for respondent No.2

Mr. P.P. Kothari h/f Mr. Satyajit S. Bora advocate for respondent No.5

CORAM : R.M. BORDE &

K.L. WADANE, JJ

(Date : 30th March, 2017.)

PER COURT :-

1 The petitioner is praying for inclusion of his name in the electoral roll prepared for holding elections to Municipal Corporation, Parbhani.

2 The petitioner contends that, he has tendered an application seeking inclusion of his name in the electoral roll prepared for elections to Municipal Corporation, before the date prescribed for raising objection to the preliminary voters list. However, his name

has not been included in the voters list. The cut off date prescribed for inclusion of names in the voters list by the State Election Commission in accordance with Section 7-A of the Maharashtra Municipal Corporation Act is 5.1.2017. Though the name of the petitioner appears in the electoral roll prepared for the legislative assembly constituency of Parbhani, during the year 2011 and 2014, at his request and considering the application tendered by him on 4.3.2017, his name has been recorded in the electoral roll of the legislative assembly constituency for the village Jam, Tq. District Parbhani. Since the name of the petitioner was transferred to the list of voters of village Jam, his name has been deleted from the list of voters prepared for legislative assembly constituency of Parbhani city. Admittedly, the name of the petitioner does not find place in the legislative assembly list of Parbhani city on the cut off date i.e. 5.1.2017 and as such, the State Election Commission was justified in not recording the name of the petitioner in the ward wise voters list for the Parbhani Municipal Corporation.

3 We do not find any illegality in the proceedings of the State Election Commission. Petition is devoid of substance and hence stands dismissed.

4 The application for transposition of name of the petitioner to voters list for Municipal Corporation tendered by the petitioner shall be considered in accordance with procedure prescribed by law.

(K.L. WADANE, J)

(R.M. BORDE, J)

vbd