

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

Writ Petition No. 11227 of 2017

District : Nanded

Sunanda Subhashrao Patil,
Age : 56 years,
Occupation : Nil,
R/o. 7, Sankalp Flat,
Pawan Nagar, Bhavsar Chowk,
Nanded, District Nanded. .. Petitioner.

versus

1. The State of Maharashtra,
Through the Secretary,
Election Department,
Mantralaya, Mumbai.
2. The State Election Commission,
Maharashtra State, Mumbai.
3. The Chief Electoral Officer /
Commissioner,
Nanded-Waghala Municipal
Corporation,
District Nanded. .. Respondents.

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Mr. Girish V. Wani, Advocate, for the petitioner.

*Mr. A.R. Kale, Asst. Government Pleader, for
respondent no.01.*

*Mr. M.B. Bharaswadkar, Advocate, for respondent
no.02.*

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**CORAM : R.M. BORDE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 14TH SEPTEMBER 2017

ORAL ORDER :

01. The petitioner is making grievance in respect of the inadvertent error committed by the respondents in failure to record surname of the petitioner in the voters' list published for the purposes of elections to Nanded-Waghala Municipal Corporation. Surname of the petitioner has not been included in the voters' list though her surname was recorded in assembly elections voters' list published in the years 2012 and 2014.

02. Learned Asst. Government Pleader appearing for respondent no.01 - State contends that the petitioner had not tendered application within contemplation of rule 26 of the Registration of Electors Rules, 1960 and, as such, her request be not considered.

03. It does appear that the petitioner tendered application to the Assistant Commissioner, Election Branch, Nanded, on 28th August, 2017 requesting for correcting the mistake appearing in the electoral roll. It does appear on perusal of the application and the record produced before us, that the name of the petitioner as well as her surname was recorded in the electoral roll published for the Maharashtra Legislative Assembly, Nanded Constituency, during the year 2012 as well as 2014. Photograph of the petitioner also does appear on the voters' list at serial no.14790. The voter's ID no. CFL2413300 is

also recorded in the voters' list prepared for the purposes of holding elections of Nanded-Waghala Municipal Corporation. There does not appear to be any dispute as regards identity of the petitioner. The inadvertent error in failure of the election authorities to record surname of the petitioner in the electoral roll shall not debar the petitioner from exercising the right of franchise.

04. Considering peculiar facts and circumstances of the case, we direct the respondents - authorities to permit the petitioner to exercise right to vote in Nanded-Waghala Municipal Corporation elections scheduled to be held on 11th October, 2017.

05. With the above directions, the writ petition is disposed of.

(Smt. Vibha Kankanwadi)
JUDGE

(R.M. Borde)
JUDGE

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