

vks

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

WRIT PETITION NO.2949 OF 2017

Vishnu Manikrao Karande
and anr ... Petitioners

V/s.

State Election Commission,
Maharashtra and ors ... Respondents

**ALONGWITH
WRIT PETITION NO.3841 OF 2017**

Siddheshwar Mogalappa Kamurti ... Petitioner.

V/s.

State Election Commission,
Maharashtra and ors ... Respondents

**ALONGWITH
CIVIL APPLICATION NO.874 OF 2017
IN
WRIT PETITION NO.3841 OF 2017**

Nitin Shivaji Pawar and ors ... Applicants.

In the matter of

Siddheshwar Mogalappa Kamurti ... Petitioner.

V/s.

State Election Commission,
Maharashtra and ors ... Respondents

**ALONGWITH
WRIT PETITION NO.4593 OF 2017**

Shri. Anwar Ahmed Munawwar Ali
Answari ... Petitioner.

V/s.
State Election Commission,
Maharashtra and ors

... Respondents.

Mr. R.D. Oak, for the Petitioner in WP
No.2949 of 2017.

Mr. S.B. Shetye, for Respondent No.1 –
Election Commission.

Mr. Pradeep Rajgopal a/w Ms. Drishti Shah,
for Respondent No.2 in WP No.2949 of 2017.

Mr. S.V. Gutte, for the Petitioner in W.P
No.3841 of 2017.

Mr. R. D. Suryawanshi, for Applicants in Civil
Application No.894 of 2017.

Mr. Gautam Jain a/w, Mr. B.T. Taware, Mr. F
N. Momin, for the Petitioner in W. P No.4593
of 2017.

Mr. S.B. Shetye, for Respondent No.1 –
Election Commission.

Mr. N.R. Bubna, for the Respondent No.5 in
WP No.2949 of 2017, for Respondent No.6
in W.P. No.3841 of 2017, for Respondent No.7
in W.P. No.4593 of 2017.

Mr. V. M. Mali, AGP for State

**CORAM : NARESH H. PATIL &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 26th APRIL, 2017.

P.C. :

1] Heard learned counsel for respective Petitioners in each of the Petition, learned counsel appearing on behalf of Respondent Corporation, learned counsels appearing on behalf of State Election Commission and Election Commission of India.

2] The State Election Commission has issued Notification of Election Programme on 19.04.2017. As per programme, the date of filing of nomination papers, on-line, is 29.04.2017. The nomination papers would be accepted till 6.5.2017.

3] The Scrutiny of nomination papers will take place on 8th May, 2017 and the list of validly nominated candidates will be declared soon-after the scrutiny. The date of polling is fixed on 24.5.2017.

4] In these petitions, the petitioners contend that,

- (a) names of large number of voters are missing from the Voters' List;

- (b) names of many voters are changed from one Ward to another Ward;
- (c) the Electoral Registration Officer did not take decision on the objections submitted by the voters;

5] Learned counsel Mr. Rajgopal appearing for respondent no.2 – Election Commission of India, submits that preparation of voters' list is a continuous process. The subject elections are held on the basis of the voters' list prepared for Assembly Election.

6] Learned counsel Mr. Shetye appearing for State Election Commission, submits that State Election Commission mandates a cut-off date in respect of Assembly Voters' List for the subject elections. State Election Commission does not prepare any voters' list on its own. The State Election Commission acts in accordance with the law in publishing the voters' list. Firstly draft voters' list is published and it is finalized. After the publication of the voters' list finally, persons may apply for correcting errors in the name etc.

7] After considering the submissions advanced, we are of

the view that the State Election Commission and the Officers working under the supervision of the State Election Commission shall be vigilant while publishing draft voters' list and a final voters' list. During the course of hearing, it was informed that the Commissioner of Bhiwandi Nizampur Municipal Corporation suspended around 10 to 12 employees of the Corporation probably to look into the allegations made in respect of the voters' list. We direct the State Election Commission and the Commissioner of Bhiwandi Nizampur Municipal Corporation to look into the matter.

8] Learned counsel appearing for the petitioners submit that their intention is not to stall the election process, but their anxiety is that the State Election Commission and its Officers shall conduct the election freely and fairly.

9] Learned counsel Mr. Shetye appearing for the State Election Commission shall bring to the notice of State Election Commission the issues raised and discussed during the course of hearing of these petitions. We expect the State Election Commission to take necessary steps to minimize the defects / lapses noticed

during the conduct of the election process. It is also noticed that certain persons are unable to submit the nominal papers on-line due to error in connectivity or any other technical problems. The State Election Commission must come out with remedial measures.

10] In view of the aforesaid observations and directions, petitions are disposed of.

11] In the light of the above order, Civil Application No. 874 of 2017 stands disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[NARESH H. PATIL, J.]