

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 7222 OF 2017

Sadashiv Bajirao Nale

.....Petitioner

V/s.

The State of Maharashtra and others

....Respondents

Mr. Siddharth Ajay Mehta for the petitioner.

Mr. S. B. Shetye for the respondent no. 2.

Ms. Nisha Mehra AGP for the State.

**CORAM : SMT. VASANTI A. NAIK,
RIYAZ I. CHAGLA, JJ.**

DATE : NOVEMBER 3, 2017.

P.C.

By this writ petition, the petitioner seeks a direction against the respondents to decide the application of the petitioner dated 17/01/2017 to transfer the names of 57 voters to the voters list of village Nepatavalan from the voters list of village Karhavagaj.

It is submitted on behalf of the petitioner that though the petitioner had raised an objection before the respondent in respect of the wrongful inclusion of the names of the 57 voters in the voters list of village Karhavagaj, though the names ought to have been included in the voters list of Nepatavalan, the

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respondent has wrongfully overruled the objection by observing that the objection of the petitioner was earlier decided on 17/05/2016. It is stated that on 17/05/2016, no objection, as is raised by the petitioner was decided by the respondent.

On hearing the learned counsel for the parties and on a perusal of the documents annexed to the petition, we find that there is merit in the submission made on behalf of the petitioner that the objection in regard to the wrongful inclusion of 57 voters in the voters list of village Karhavagaj was not decided on 17/05/2016. The reason recorded by the respondent for overruling the objection appears to be incorrect. Since the petitioner has raised the objection in regard to the wrongful inclusion of the 57 voters in the voters list of village Karhavagaj on 17/01/2017, it would be necessary for the respondent to decide the said objection on merits. It is stated that the decision on the objection would be necessary as the Grampanchayat elections would be scheduled sometime in the month of December 2017-January 2018.

In the circumstances of the case, we dispose of the writ petition with a direction against the respondent to decide the application of the petitioner dated 17/01/2017 as early as possible and positively within 4 weeks. Order accordingly. No costs.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A. NAIK, J.]