

Jsn

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

WRIT PETITION (ST) NO. 31531 OF 2017

Shri Ramdas Dattatraya Dabhade ... Petitioner
Versus
State of Maharashtra and Ors. ... Respondents

Mr. Anturkar, Senior Advocate i/b Prathamesh Bhargude, for the Petitioner.

Mr. Akshay Deshmukh, i/b U.P. Warunjikar, (Party not made)

Mr. A.P. Vanarase, AGP for State – Respondent No.1.

Mr. S.B. Shetye, for Respondent No.5.

Mr. Pradeep Rajagopal with Drishti Shah, i/b Rekha Rajagopal for Respondent NO.4 (Election Commission of India).

**CORAM: SMT. VASANTI A NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**
DATED: 16TH NOVEMBER 2017

PC:-

By this writ petition, the petitioner challenges the order of the Maharashtra State Election Commission, dated 6th November 2017 directing that the voters list as on 3rd October 2017 would be taken into consideration for the purpose of conducting the election of the grampanchayat. The petitioner has sought a direction against the state election commission to extent the time upto 30th November 2017 for the special summary revision of the electoral roll.

Mr. Anturkar, the learned senior advocate appearing for the petitioner submitted that though the prayer for challenging the extension of the date for considering the final voters list to 3rd October 2017 is sought to be challenged in the writ petition, the

petitioner does not wish to press for the relief sought by the said prayer. It is stated that the petitioner is seriously aggrieved by the action on the part of the respondent nos. 2 and 6 of including the names of more than 3000 voters for the grampanchayat elections though their names are not included in the electoral roll of the Maharashtra Legislative Assembly, prepared under the provisions of the Representation of the People Act as required by the provisions of Section 12 of the Maharashtra Village Panchayats Act. It is submitted that in view of the provisions of Section 12 of the Act, it would be necessary for the respondents to prepare the voters list for the elections to the village panchayat only on the basis of the final electoral roll prepared for the elections to the Maharashtra Legislative Assembly till 3rd October 2017, as per the provisions of Section 12.

Shri Shetye, the learned counsel for the respondent no.5, Maharashtra State Election Commission states that it would be mandatory, in view of the provisions of Section 12 of the Act to consider the voters list in the electoral roll of the Maharashtra Legislative Assembly, prepared under the provisions of the representation of the People Act, 1950 as on 3rd October 2017, for preparing the voters list for elections to the wards in the village panchayat. It is stated that the provisions of Section 12 of the Act would be strictly adhered to and final voters list as prepared for the Maharashtra Legislative Assembly, and existing on 3rd October 2017 would be considered for preparing the list of voters for the elections to the wards of the village panchayat.

Mr. Pradeep Rajagopal, the learned counsel for the Election

Commission of India states that the persons who according to the petitioner are bogus voters, are not the bogus voters as such as their names are included in the final voters list for the Maharashtra Legislative Assembly Election.

In view of the statement made by the learned counsel for the respondent no.5, the grievance of the petitioner should stand redressed. If the names of the alleged 3000 and odd bogus voters do not find place in the final electoral roll for the Maharashtra Legislative Assembly Elections, it is apparent that their names would not be included in the list of voters for the election to the wards in the village panchayat.

Hence, by accepting the statements made on behalf of the respondent Nos. 4 and 5 that only the names of the voters included in the final electoral roll for the Maharashtra Legislative Assembly elections, as required by the provisions of Section 12 of the Act would be included in the voters list prepared for the elections to the wards in the villages, we dispose of the writ petition with no order as to costs.

(RIYAZ I. CHAGLA J.)

(SMT. VASANTI A. NAIK, J.)