

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.11456 OF 2018

- 1) Mangala w/o Vijay Mangale,
Age-51 years, Occu:Household
and social worker,
R/o-8-Mitrakunj Society, Sakri Road,
Dhule, Dist-Dhule,
- 2) Siddhant s/o Vijay Mangale,
Age-23 years, Occu:Education,
R/o-8-Mitrakunj Society, Sakri Road,
Dhule, Dist-Dhule.

...PETITIONERS

VERSUS

- 1) The State of Maharashtra,
Through its Chief Secretary,
State Election Commission,
Mantralaya, Mumbai,
- 2) The State Election Commission,
New Administrative Building,
In front of Mantralaya,
Madam Cama Road, Fort, Mumbai,
Through its Commissioner,
- 3) The District Collector, Dhule,
Chief Election Officer,
Dist-Dhule,
- 4) The Sub Divisional Officer, Dhule/
The Electoral Registration Officer,
Dhule, Dist-Dhule.

...RESPONDENTS

...

Mr.V.P. Latange Advocate for Petitioners.

Mr.A.R. Kale, A.G.P. for Respondent No.1.

Mr.S.T. Shelke Advocate for Respondent Nos.
2 and 3.

Mr. B.B. Kulkarni Advocate for Respondent No.4.

...

**CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATE : 19TH NOVEMBER, 2018

ORDER :

1. This Writ Petition is filed with following
substantive prayer:

"B) By issuing appropriate writ, order or
directions in the like nature, this
Hon'ble Court may be pleased to direct
the respondent authorities to include the
names of the petitioners in the Electoral
Roll in Dhule Assembly/ Parliamentary
Constituency from Ward No.15 of Dhule
Municipal Council Limits in view of the
Form No.6 filed by the Petitioner on
21.12.2017 and for that purpose issue
necessary orders."

2. Learned counsel appearing for the Petitioners submits that Form NO.6 was filed by the Petitioners on 21st December, 2017 with request to include the name of the Petitioners in the Electoral Roll in Dhule Assembly/ Parliamentary Constituency from Ward No.15 of Dhule Municipal Corporation. It is submitted that Respondent Nos.3 and 4 were obliged to communicate the decision taken by them on Form No.6 filed by the Petitioners on 21st December, 2017. It is submitted that the Petitioners were not aware that the provisional voters list was published by Respondent No.4 and therefore unaware of the publication of such provisional voters list, the Petitioners could not raise any objection. It is submitted that once the Petitioners filed Form No.6 on 21st December, 2017, it was expected from Respondent No.4 authority to include the names of the Petitioners in the voters list which was

prepared for Dhule Municipal Corporation. However, the name of the Petitioners is not included in the said voters list. Therefore, it is prayed that Respondent No.4 may be directed to include the name of the Petitioners in the voters list.

3. In reply to the arguments advanced by the counsel appearing for the Petitioners, learned counsel appearing for Respondent No.4 invites our attention to the contents of the letter written by Respondent No.4 addressed to the present Petitioners and submits that as a matter of fact, provisional voters list was published in the month of January, 2018, and if the Petitioners were having any grievance about non-inclusion of their names in the provisional voters list, in that case the Petitioners should have immediately raised the objections. However, till July, 2018, the Petitioners have not raised any objection and therefore the final voters list was published. It

is submitted that the voters list as on 1st September, 2018, is considered as a valid voters list for the elections of Dhule Municipal Corporation. The name of the Petitioners are not included in the voters list dated 1st September, 2018, therefore, the question of granting relief as prayed for by the Petitioners does not arise. It is further submitted that pursuant to filing the Form No.6 on 19th September, 2018, by the Petitioners, the names of the Petitioners now are included in the Electoral Roll in Dhule Assembly/Parliamentary Constituency.

4. We have considered the submissions of the counsel appearing for the parties. Upon careful perusal of the communication/ letter written by Respondent No.4 addressed to the Petitioners, it is abundantly clear that provisional voters list was published in the month of January, 2018, and till July, 2018, objections were invited.

However, the Petitioners did not raise any objections. As rightly contended by the counsel appearing for Respondent No.4 that prior to 1st September, 2018, there was no attempt on the part of the Petitioners to get their names included in the voters list. It is only on 19th September, 2018, Form No.6 was filed by the Petitioners and accordingly their names have been included in the Electoral Roll in Dhule Assembly/ Parliamentary Constituency.

5. In that view of the matter, we do not find any reason to entertain this Petition. Hence the Writ Petition stands disposed of.

[K.K. SONAWANE, J.]

asb/NOV18

[S.S. SHINDE, J.]