

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.25494 OF 2018

Sudam Karbhari Kale & Ors.] ... Petitioners

Versus

The Designated Officer, Palkhed Village]
Panchayat & Ors.] ... Respondents

Mr. P. N. Joshi a/w Rukmini Khairnar for Petitioners.

Mr. Pradeep Rajgopal a/w Ms. Drushti Jain for Respondent No.1.

Mr. S. B. Shetye for Respondent No.2.

Mrs. Ashwini Purav, AGP for State - Respondente Nos.3, 4, 5 & 7.

Mr. Girish Kulkarni - Nayab Tahsildar, Smt. Sangmitra Baviskar - Residential Nayab Tahsildar, N. Y. Kunde - Talathi and Mr. Dinkar More - Gram Sevak, present.

**CORAM :- SHANTANU KEMKAR &
SARANG V. KOTWAL, JJ.**

DATE :- SEPTEMBER 24, 2018

P. C. :-

It has not been disputed by the learned Counsel for the Respondents that insofar as the Petitioner Nos.2 to 11 are concerned, as per the voter's list, they were in Ward No.4 and that could not have been changed. In the circumstances, we are of the view that the Petitioner Nos.2 to 11 deserve to be allowed to cast their vote treating them from Ward No.4.

2. Similarly, on instructions from the officers who are present in Court, it has been stated by the learned Counsel for the Respondents that so far as names of the Petitioner Nos.12 to 17 are concerned, they are the residents of Ward No.3 of the Assembly list and therefore, the Ward number could not have been changed to Ward No.1.

3. In view of the aforesaid, in our considered view, all the Petitioners need to be allowed to cast their vote as per Assembly list which, insofar as Petitioner Nos.2 to 11 are concerned, it should be Ward No.4 and insofar as the Petitioner Nos.12 to 17 are concerned, it should be Ward No.3.

4. By directing the Petitioners to allow them to cast their vote, as aforesaid, we dispose of this petition.

5. Parties to act on an authenticated copy of this order.

(SARANG V. KOTWAL, J.)

(SHANTANU KEMKAR, J.)