

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 WRIT PETITION NO.9083 OF 2020

Kakasaheb Manohar Chavan

...Petitioner

Versus

The State of Maharashtra and Others

...Respondents

...

Advocate for Petitioner : Mr. Nagargoje Ankush N and Mr. Mane
D M

AGP for Respondent Nos.1 to 3 : Mr. S.R. Yadav Lonikar

Advocate for Respondent No.4 : Mr. A.B. Kadethankar

...

**CORAM : RAVINDRA V. GHUGE &
SMT. VIBHA KANKANWADI, JJ.
(VACATION COURT)**

DATE : 29th DECEMBER, 2020.

PER COURT :-

1. We have heard the learned counsel for the petitioner, the learned Assistant Government Pleader on behalf of respondent nos.1 to 3 and the learned counsel on behalf of respondent no.4.

2. The petitioner has put-forth prayer clauses (A) and (B), which read as under:

“A) For a writ of mandamus, order of direction in the nature of mandamus, directing the respondents herein to make the necessary correction in the Final Voters List of Ward No.3 and 4 of Village Panchayat, leet, Tq. Bhoom, District Osmanabad i.e. by showing

the Final Voters List of Ward No.3 to be the Voters List of Ward No.4 and the Final Voters List of Ward No.4 to be the Voters List of Ward No.3.

B) Pending hearing and the final disposal of the present Writ Petition, the respondents Nos.2 and 3 may kindly be directed to take necessary steps to correct the technical mistake in respect of the Voters List of Ward No.3 and 4 of Village Panchayat, leet, Tq. Bhoom, District Osmanabad.”

3. After hearing the submissions of the learned counsel and upon perusing the petition paper book with their assistance, we find from the written instructions given to Advocate Shri Kadethankar by the Tahsildar-respondent no.3, that there has been a confusion with regard to the voters list of ward no.3 and ward no.4 with relation to the Village Panchayat elections for Village leet, Taluka Bhoom, District Osmanabad. In short, the written instructions to Advocate Shri Kadethankar are that there is a possibility that en-block voters, having their houses in ward no.3, have been shown to be voters of ward no.4 and vice versa. Shri Kadethankar, therefore, sought a pass over in the first session to take instructions from the State Election Commission.

4. This matter was called out at the end of the board in the second session and Shri Kadethankar informs that the State Election Commission is capable of correcting the said mistake

till tomorrow i.e. 30.12.2020 by the end of the day. Shri Kadethankar relies upon clause no.5.1, 5.2 and the order of the State Election Commission dated 25.09.2017 in support of the powers of the State Election Commission to correct such a mistake.

5. In view of the above, this petition is disposed off as the Competent Authority would be correcting it's mistake by the end of the day on 30.12.2020, subject to verifying the available records.

(SMT. VIBHA KANKANWADI. J) (RAVINDRA V. GHUGE, J)