

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO.97265 OF 2020**

Prashant Dattatray Kalbhor ... Petitioner
versus
The State Election Commission and Anr. ... Respondents

Mr. G.S.Godbole with Mr. Rahul Soman i/by Ms. Shivani Samel, Mr. Aditya Shirke, for Petitioners.

Ms. R.M.Shinde, AGP, for State.

Mr. S.B.Shetye with Mr. Ifran Sheikh, Ms. Sarika Shetye, for State Election Commission.

Mr. Sunil Koli, Tahsildar, Haveli, Pune, present.

**CORAM: S.J. KATHAWALLA &
VINAY JOSHI, JJ.**

DATE: 13th JANUARY, 2021

P.C.:

1. By the above Writ Petition, the Petitioner has challenged the impugned orders passed by the Respondent No.1 – State Election Commission dated 19th November, 2020 and 20th November, 2020, wherein the Respondent No.1 ordered that the electoral roll of Maharashtra Vidhan Sabha published on 25th September, 2020 should be used for preparing electoral roll for conducting the upcoming election of the Grampanchayat.

2. The main grievance of the Petitioner is that the Petitioner by his letters dated 4th and 7th December, 2020 had raised objections against the draft electoral roll published on 1st December, 2020 and had also requested to delete the names of certain

voters included in the list of Ward No.1 who were not residing in this ward. Another objection which was raised pertained to about 320 voters and preparation of ASD List. The said objections are dealt with by the State in paragraphs 8 and 9 of their Affidavit in Reply.

3. The learned Advocate for the Petitioner has raised a question as to how the State Election Commission will deal with the situation if any person from the ASD List goes to the voting center and wishes to vote. The learned Advocate for the State Election Commission on instructions from Mr. Sunil Koli, Tahsildar, Haveli, Pune, who is present in Court states that if any person whose name is shown in the ASD List goes to the polling booth, and after establishing his/her identity, further establishes that he/she is a resident of that ward, in that event, the Polling Officer/PRO shall allow such person to vote. The statement is accepted.

4. The Writ Petition is accordingly disposed of. However, if the Petitioner intends to press his other grievances which are set out in the Petition, he shall do so by availing the remedy available to him under Section 15 of the Maharashtra Village Panchayats Act, 1959. In that event, the parties shall be at liberty to raise all contentions available to them in law.

(VINAY JOSHI, J.)

(S.J.KATHAWALLA, J.)