

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

**WRIT PETITION NO.8718 OF 2022**

**SHAIKH SALMAN SHAIKH ABDUL AND OTHERS  
VERSUS  
THE STATE ELECTION COMMISSION THROUGH STATE  
ELECTION COMMISSIONER AND OTHERS**

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**Advocate for the Petitioners : Shri Parag Barde h/f Shri Jethliya  
Dhiraj R.**

**Standing Counsel for Respondent 1 : Shri A.B. Kadethankar  
AGP for the Respondents/State : Shri S.G. Karlekar**

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**CORAM : RAVINDRA V. GHUGE  
&  
SANJAY A. DESHMUKH, JJ.**

**DATE :- 17<sup>th</sup> October, 2022**

**Per Court :-**

1. The petitioners have strenuously canvassed prayer clauses A, B and C, which read as under:-

“A) *By issuing appropriate writ, order or direction or any other appropriate order in the nature of writ, the Hon’ble High Court may be pleased to quash and set aside the impugned Final Voters’ List of Ward No.8 of Municipal Council, Gangakhed dated 05.07.2022 and to pass the appropriate orders for the said purpose.*

B) *By issuing appropriate writ, order or direction or any other appropriate order in the nature of writ, the Hon’ble High Court may be pleased to direct the respondents to include the names of petitioners in the Final Voters’ List of Ward No.8 of Municipal Council, Gangakhed and to*

*pass the appropriate orders for the said purpose.*

- C) *Pending hearing and final disposal of the present Writ Petition, the Hon'ble High Court may be pleased to grant stay to the effect, operation and implementation of the impugned Final Voters' List of Ward No.8 of Municipal Council, Gangakhed dated 05.07.2022 and issue incidental and consequential appropriate orders for the said purpose."*

2. Having considered the submissions of the learned advocates for the petitioners, the State Election Commission and the learned AGP, we find that the names of the petitioners were included in the ward in which they were residing and their names were already existing in the voters list in that ward. The petitioners desire that their names should be included in the final voters list of ward No.8.

3. In this backdrop, filing of a writ petition would not be a remedy as the petitioners will have to approach the authority to seek redressal of their grievance.

4. However, Shri Kadethankar, the learned advocate, is right in submitting that if the petitioners' reside in a particular ward, their names as valid voters cannot be included in some other ward of their choice.

5. In view of the above, this Writ Petition is disposed

off with liberty to the petitioners to avail of a remedy as is permissible in law.

*kps* (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)