

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO.10674 OF 2022

DEEPALI SAMBHAJI NARSALE
VERSUS
THE STATE ELECTION COMMISSION AND OTHERS

...
Advocate for Petitioner : Mr. A.R. Borulkar h/f Mr. R.D. Thorat
Advocate for Respondent No.1: Mr. A.B. Kadethankar
AGP for Respondents 2 and 3: Mr. S.G. Karlekar
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 13th OCTOBER, 2022.**

PER COURT :-

1. The petitioner seeks to challenge the notification dated 04.10.2022 on the ground that it is illegal and unconstitutional and the petitioner be allowed to vote in the village Gram Panchayat elections scheduled on 13.10.2022.
2. We have considered the strenuous submissions of the learned advocate for the petitioner, the learned A.G.P. and the learned advocate for the State Election Commission.
3. Section 13 of the Maharashtra Village Panchayat Act, 1958, prescribes that every person whose name is in the list of voters shall, unless disqualified under the Act, or any other law for the time being in force, be qualified to vote at the elections. The name of such voter should be entered in the list of voters of such village on the last date

fixed for making nomination for every general election or bye-election. Admittedly, the petitioner's name was not in the updated and valid voters list in terms of Section 13 of the said Act and subsequently, she has been included in the voters list at Sr. No. 966.

4. Considering the above, the name of the petitioner cannot be included in the valid voters' list in violation of Section 13 of the Maharashtra Village Panchayat Act, 1958. Since her name would now be updated as and when the valid voters' list would be updated, the petitioner would get an opportunity for casting her vote, in future.

5. In view of the above, this petition is disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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