

Prajakta Vartak

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 152 OF 2022

Mr. Abhijeet Bapusaheb Satav ...Petitioner
Versus
The Election Commission of India & Ors. ...Respondents

Mr. Siddhesh Pilankar for the Petitioner.
Mr. P. P. Kakade, GP with Mrs. R. A. Salunkhe, AGP for State.
Mr. S. B. Shetye with Ms. Sarika Shetye for Respondent No.2.

**CORAM : S.V. GANGAPURWALA &
S.G. DIGE, JJ.**

DATE : 17 NOVEMBER 2022

PC:-

1. The petitioner seeks directions against the respondents to include the name of the persons who have attained the age of 18 years after the cut-off date i.e. 31 May, 2022 in the electoral list for the election of the Gram Panchayat to be held all over the State of Maharashtra on 18 December, 2022.

2. Mr. Pilankar, learned counsel for the petitioner submits that there are many young persons who have attained the age of 18 years after May 2022. They should also be allowed to exercise the right of franchise in the upcoming election of Grampanchayat. The learned counsel for the petitioner submits that the Election Commission of India has specified four qualifying dates i.e. 01 January, 1st April, 1 July and 1 October instead of one qualifying date of 1st January. The learned counsel submits that in view of the amendment to Rule 26A of the Registration of Electors Rules, 1960,

the respondent no.2/Election Commission is also required to make the necessary amendment.

3. The learned counsel for the respondent no.2 submits that as per Section 12 of the Maharashtra Village Panchayats Act, the electoral roll of the Maharashtra Legislative Assembly prepared under the provisions of the Representation of the People Act, 1950 and in force on such day as the State Election Commission may by order notify shall be the list of voters for such ward or village. The learned counsel submits that similar challenge is negated by this Court under the order dated 12 October, 2022 in Writ Petition No.12218 of 2022.

4. We have considered the submissions. Section 12 of the Maharashtra Village Panchayats Act is abundantly clear. Section 12 provides that the electoral roll of the Maharashtra Legislative Assembly prepared under the provisions of the Representation of the People Act, 1950, and in force on such day as the State Election Commissioner may by order notify in this behalf for such part of the constituency of the Assembly as is included in a ward or a village shall be the list of voters for such ward or village. Section 12 gives authority and power to the State Election Commission to notify the cut-off date. The State Election Commission has already issued the notification thereby prescribing the date "31 May, 2022" as the cut-off date for inclusion of the names in the electoral roll. It needs to be considered that final electoral roll is also published on 22 June, 2022. The process of preparation of the electoral roll has come to an end.

5. For all the aforesaid reasons, the PIL does not require consideration. As such, PIL is dismissed. No costs.

(S.G. DIGE, J.)

(S.V. GANGAPURWALA, J.)