

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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MAYEKAR

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CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14439 OF 2022

Dattatray Govind Pawar

..... Petitioner

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr.Mahadeo A.Chaudhari for the Petitioner.

Mr.A.I.Patel, Additional G.P. a/w. Mrs.R.M.Shinde, A.G.P. for the State
– Respondent nos. 1 to 3

Mr.S.B.Shetye, a/w. Mr.Vikrant Dere for the Respondent no.4.

**CORAM: R. D. DHANUKA AND
S.G.DIGE, JJ.**

DATE : 25TH NOVEMBER, 2022

P.C:-

By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ of certiorari for quashing and setting aside the impugned order dated 21st October, 2022 and seeks a writ of mandamus against the Tahsildar, Mohol to grant a fresh hearing to the voters whose names have been transferred to another ward especially in the light of the complaint made by the petitioner to the Collector, Solapur and Deputy Collector, Pandharpur dated 31st October, 2022.

2. The petitioner claims to be a voter of ward no.3 of Village Kuranwadi, Taluka Mohol. It is the grievance of the petitioner that not only the petitioner but the names of the several other voters of the said ward no.3 have been transferred to ward no.2 of the same village illegally.

3. It is not in dispute that the draft voters list was published on 13th October, 2022 for obtaining objections and suggestions to the said draft voters list. The objections and suggestions were received by the authority on or before 18th October, 2022. Upon receipt of such objections and suggestions, a report of the Circle Officer was submitted on 20th October, 2022 and after considering the said report, the final voters list was published on 21st October, 2022.

4. The petitioner appears to have made a complaint on 31st October, 2022. In the meanwhile, the election programme had been already issued by the respondent no.1 on 9th November, 2022.

5. Mr. Chaudhari, learned counsel for the petitioner submits that the names of a large numbers of voters have been illegally shifted to

another ward and thus this Court shall intervene in the matter and allow the petitioner to cast his vote in ward no.3.

6. Mr.Shetye, learned counsel for the respondent on the other hand submitted that the petitioner never raised any objection or made any suggestion to the draft voters list published on 13th October, 2022 within the time prescribed. The said voters list has been already finalized on 31st October, 2022. He however submitted that the election programme had also been issued. Thus this Court cannot interfere/intervene with the election programme at this stage.

7. Learned counsel for the petitioner does not dispute that his client had not given any objection or suggestion to the list published on 13th October, 2022 and made a complaint for the first time on 31st October, 2022.

8. In view of the fact that the election programme has been already issued by the respondent no.1, this Court cannot interfere with the election process at this stage. The remedy of the petitioner, if any, under the provisions of Maharashtra Village Panchayats Act, 1959 can

be exercised if the petitioner is aggrieved by the election result in accordance with law.

9. Writ petition is dismissed with the aforesaid clarification. No order as to costs.

[S. G. DIGE, J.]

[R. D. DHANUKA, J.]