

IN THE HIGH COURT OF JUDICATURE AT BOMBAYKANCHAN
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MAYEKARDigitally signed by
KANCHAN VINOD
MAYEKAR
Date: 2022.11.30
14:22:06 +0530**CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14351 OF 2022****Prabhakar Shrirang Jagadale & Anr.****..... Petitioners****VERSUS****The State of Maharashtra & Ors.****..... Respondents**

Mr.A.S.Rao, a/w. Mr.Prashant Kamble for the Petitioners.

Mr.Atul P. Vanarase, A.G.P. for the State - Respondent nos.1 and 3.

Mr. Sachindra B.Shetye, a/w. Mr.Vikrant Dere, Mr.Akshay Pansare for the Respondent no.2.

Mr.Pradeep Rajgopal, a/w. Ms.Drishti Shah, i/b. Ms.Rekha Rajgopal 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 petitioners seek writ of mandamus against the respondents to include the names of the petitioners w.e.f. 31st May, 2022 in other words the names of the petitioners should be included in the final voters list of assembly as on 31st May, 2022.

2. The petitioners are permanent residents of Solapur District. On 12th September, 2022, the petitioners made an online application to

transfer the name of the petitioners from the voting list of Kalyan Constituency to Karmala (Solapur) Constituency.

3. The Election Commission has already declared the election programme on 4th October, 2022. A perusal of the said programme indicates that the last date for consideration of the objections to the provisional voters list expired on 31st May, 2022. The provisional voters list was to be declared on 13th October, 2022. The objections, if any, were to be filed on or before 18th October, 2022. The final voters list was published on 21st October, 2022. All these directions issued in the election programme are already complied with.

4. The case of the petitioners is that the datum line has to be revised periodically and thus the datum line fixed for the date of voters list for assembly elections upto 31st May, 2022 should be extended til 30th September, 2022 so that the names of the petitioners can be transferred from Kalyan Constituency to Karmala (Solapur) Constituency.

5. The petition is vehemently opposed by Mr.Shetye, learned counsel for the respondent no.2 and by Mr.Rajgopal, learned counsel

for the respondent no.4.

6. Learned counsel for the petitioner does not dispute that by the said election programme dated 4th October, 2022, the datum line was already fixed on 31st May, 2022. The objections to the provisional voters list was to be filed on or before 18th October, 2022. No objection was raised by the petitioners on or before the cut off date. The application for transfer of the petitioners' names from one constituency to another constituency was made much after the cut off date. We are not inclined to interfere with the election programme. The preparation of the voters list is a continuous process. If the petitioners seek their names to be transferred from one voters list from one constituency to another, the petitioners can apply in future for such transfer.

7. We are of the opinion that under section 12 of the Maharashtra Village Panchayat Act, the State Election Commission is empowered to fix the cut off date for the purpose of voters list and such powers are rightly exercised by the State Election Commission in this case. Even otherwise we are not inclined to shift the cut off date at this stage.

8. Writ petition is disposed off in the aforesaid terms. No order as to costs.

[S. G. DIGE, J.]

[R. D. DHANUKA, J.]