

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 7315 OF 2022

(Suresh s/o Shivhari Metange Vs. State Election Commission, Maharashtra State, thr. its Election Commissioner, Mumbai & Ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri A.M. Tirukh, Advocate for the petitioner.
 Shri J.B. Kasat, Advocate for respondent No.1.
 Ms. T.H. Udeshi, Assistant Government Pleader for respondent Nos. 2 to 4/ State.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : NOVEMBER 25, 2022.

The petitioner's name was initially included in the voters list of Village – Sagwan, Tah. and District – Buldhana. Since the petitioner shifted his residence to Village – Yeoulkhed, Tah. - Shegaon, District – Buldhana, he sought deletion of his name from the voters list where he was earlier residing and incorporation of his name in the voters list at Village - Yeoulkhed, Tah. - Shegaon, District – Buldhana. On completion of the necessary process, the petitioner's name was included in the said voters list pursuant to his application dated 30/9/2022. According to the petitioner, despite having been issued voter identity card, his name has not been included in the final voters list for Village – Yeoulkhed, Tah. - Shegaon, District – Buldhana. The representations made by him before the Collector are undecided.

The learned Counsel for the petitioner submits that since the elections for the Gram Panchayat – Yeoulkhed are to be held shortly, his name be directed to be included in the voters list to enable him to participate in the said elections.

The learned Counsel appearing for respondent No.1 submits that in view of the Circular issued by the State Election Commission on 4/10/2022, the voters list for the Vidhan Sabha Constituency as existing on 31/5/2022 is considered to be the basis for a voter to exercise his franchise.

In view of aforesaid, the Writ Petition is disposed of by directing respondent No.2 – Collector to take a decision on the petitioner's application dated 21/11/2022 within a period of two weeks from today. No costs.