

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO.21 OF 2023**

**ALONG WITH**

**INTERIM APPLICATION NO.2574 OF 2023**

**IN**

**WRIT PETITION NO.25 OF 2021**

The State Election Commission

.. Petitioner–Applicant

Vs.

Hanuman Ananta Kad and Ors.

.. Respondents

- Mr. Sachindra B. Shetye a/w. Ms. Sarika S. Shetye & Mr. Akshay Pansare, for the Petitioner in RPW/21/2023 & Applicant in IA/2574/2023.
- Mr. S.L. Babar, AGP for Respondent–State.
- Mr. Ranjit Shinde, for Respondent No.6.

**CORAM : SUNIL B. SHUKRE &  
MADHAV J. JAMDAR, JJ**

**DATE : 7<sup>TH</sup> AUGUST, 2023.  
[ IN COURT – AT 4.35 P.M.]**

**P.C. :**

**INTERIM APPLICATION NO.2574 OF 2023**

1. Heard.
2. Delay is condoned. Review Petition be registered and placed forthwith for hearing before this Court.

**REVIEW PETITION NO.21 OF 2023**

1. Heard.
2. We find that the judgment dated 7<sup>th</sup> December, 2020 sought to be reviewed has been passed on the basis of the statements made in the reply filed by Respondent Nos.3 and 4 giving the present population of Gram Panchayat, Kharabwadei Village Panchayat, Taluka Khed, District Pune. We agree with the contention of learned Senior Counsel for the State Election Commission that relevant figures of population ought to have been of last population census and not the figures of the present population count. This is an error apparent on the face of the record and it could not be pointed out to this Court, it appears, as hearing has not been granted to the State Election Commission, which is evident from the fact that no notice was issued to the State Election Commission. This is, therefore, a fit case for recalling the Judgment dated 7<sup>th</sup> December, 2020.
3. The Judgment dated 7<sup>th</sup> December, 2020 is hereby recalled.
4. The Petition is directed to be restored to the original file and it be placed before the appropriate Bench.

**[ MADHAV J. JAMDAR, J. ]**

**[ SUNIL B. SHUKRE, J. ]**