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Date: 2024.01.20
17:15:57 +0530IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 858 OF 2024

Sanjay Chandrakant Jagtap and Ors.

... Petitioners

Versus

The State Election Officer & Ors.

... Respondents

Mr. Vishwajit P. Sawant a/w Mr. V.P. Kakade and Mr. Mrunal Jadhav for the
Petitioners

Mr. Kedar Dighe, Addl. G.P. for the State / Respondent Nos. 2 to 4

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 19 January, 2024

P.C.

1. Heard the learned Senior Counsel for the Petitioners and Mr. Dighe, the learned counsel for the Respondent nos. 2 to 4.
2. The Petitioners are stated to be enrolled on the Electoral Roll of 202 Purandar Legislative Assembly Constituency, District Pune.
3. The grievance of the Petitioners is in regard to the steps taken by the Respondent no. 3, District Collector cum District Election Officer, who is in the process of finalising the electoral roll for the 202 Purandar Legislative Assembly Constituency.
4. In undertaking such process, notices were issued to the Petitioners which are stated to be for verification of the documents and for finalising their name in the voters list. However, with an apprehension that the notices are issued and there is a likelihood that the names of the Petitioners, who are similarly

situated voters, will be deleted from the voters list, the present Petition has been filed praying for the following reliefs:

"A. That this Hon'ble Court be pleased to issue a Certiorari or any other appropriate writ or order thereby quashing and setting the illegal and arbitrary exercise of revision of electoral rolls carried out by the Respondent no.3 on the basis of the notices issued to 32316 people of 202 Purandar Legislative Assembly Constituency without following due process of law;

B. That this Hon'ble Court be pleased to issue an appropriate writ or order thereby directing the Respondent no.1 to 3 to carry out the exercise of revision of the electoral roll / voters list for 202 Purandar Legislative Assembly Constituency after following the due process of law;

C. That pending the hearing and final disposal of the present Petition, the publication of the final voters list / electoral roll for 202 Purandar Legislative Assembly Constituency be stayed;

D. For Ad-interim reliefs in prayer clause (C).

E. For such further and other reliefs as this Hon'ble Court may deem fit and proper."

5. We had asked Mr.Dighe, the learned counsel for Respondent Nos.2 to 4, whether the notices in question were issued in the process of verification and finalisation of the electoral roll for the constituency in question. It is his submission that, in so far as 202 - Purandar Legislative Assembly Constituency and 285 - Palus Kadegaon Constituency Assembly, are concerned, there are 122 voters whose names were appearing in both the voters list. He submits that, insofar as 202 - Purandar Legislative Assembly Constituency is concerned, there were 297 names which were reflected twice in the voters list of the said constituency. He submits that a complaint in that regard was received by Respondent No.3, in pursuance of which such verification exercise was undertaken and 10500 notices were issued, out of which the notices annexed to the Petition are some of the notices. He submits that the apprehension of the Petitioners cannot be correct inasmuch as, in each of the

notices, verification of the documents would be now undertaken, and considering any grievance which may be made by these voters, the finalisation of voters list would take place.

6. Insofar as those voters who are not in a position to physically attend the office of Respondent No.3 for verification of their documents, it is submitted that the Booth Level Officer would himself visit such persons, and after verification of the necessary documents, their respective cases would be considered for inclusion in the appropriate voters list.

7. Mr.Sawant, the learned counsel for the Petitioners, would submit that, if what has been stated by Mr.Dighe is the correct position, then certainly no prejudice would be caused if such a fair exercise is undertaken. Considering what has been submitted by Mr.Dighe, we are of the opinion that further hearing of this Petition is not called for. We accept Mr.Dighe's statements. Let the aforesaid procedure be followed by Respondent no.3 in finalising the voters list in accordance with law.

8. All contentions of the parties are expressly kept open.

9. Writ Petition is disposed of in above terms. No costs.

10. Needless to observe that, in case where hearing is called for, Respondent no.3 would grant an opportunity of hearing at the time of verification of the documents.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)