Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10561 OF 2024

Bhimaji Chandrakant Kadam & Ors …Petitioners
Versus
The State of Maharashtra through the Principal Secretary & Ors …Respondents

---

Ms Neeta Karnik, Senior Advocate, *with Prajakta Jagtap, for the Petitioners.*
Ms RM Shinde, AGP, *for Respondents Nos. 1 & 4 to 6-State.*
Mr SB Shetye, *for Respondent No. 2-State Election Commission.*
Mr Arun Panickar, *with Vinay Nair, for Respondent No. 3.*

CORAM **M.S. Sonak &**
Kamal Khata, JJ.
DATED: **9th August 2024**

PC:-

1. The State Election Commission and the Election Commission of India are directed to file affidavits in this matter by 23 August 2024.

2. The Petitioners contend that the Election Commission of India has already carried out the prescribed exercise and found that about 165 voters are missing in the electoral list which will be relevant for holding elections, inter alia to the Village Panchayat of

SANDHYA BHAGU WADHWA
Digitally signed by SANDHYA BHAGU WADHWA
Date: 2024.08.09 17:55:56 +0530

Nirgudi. The term of this Village Panchayat is due to end in December 2024 and therefore, it is expected the elections would be held before December 2024.

3. Ms Karnik states that the Election Commission of India has even deleted the names of these 165 voters by following the due process of law in the electoral list applicable to Parliamentary elections. She however submits that the State Election Commission, which is bound to comply with the results of the exercise carried out by the Election Commission of India is not carrying out such deletions in the list for elections to the Panchayat, including in particular the Village Panchayat of Nirgudi.

4. Considering that the elections to the Village Panchayat of Nirgudi have not yet been announced and in the normal course, would be held around December 2024, the State Election Commission must file its affidavit explaining why such deletions cannot be carried out.

5. The Election Commission of India has also to clarify its position in such matters.

6. List this matter on 6 September 2024.

(Kamal Khata, J) **(M.S. Sonak, J)**