

JVS.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST) 32796 OF 2025

Ritesh Ranu Jadhav } Petitioner
versus
The State of Maharashtra & Ors. } Respondents

**WITH
WRIT PETITION NO. 14832 OF 2025**

Sachin Hira Rathod & Anr. } Petitioners
versus
The State of Maharashtra & Ors. } Respondents

Mr. Devdatta Palodkar with Mr. Nikhil Adkine,
Mr. Shubham B. Choudhar, Advocates for the Petitioners in
both petitions.

Ms. Neha S. Bhide, Government Pleader with Mr. O. A.
Chandurkar, Additional Government Pleader and Mr. V. G.
Badgujar, AGP for Respondent No. 1 (State) in
WP/14832/2025.

Mr. O. A. Chandurkar, Additional Government Pleader
with Ms. G. R. Raghuwanshi, AGP for Respondent No. 1
(State) in WPST/32796/2025.

Mr. Sachindra Shetye with Mr. Akshay Pansare, Ms.
Vrushali Shivgan, Advocates for Respondent No. 2.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &
GAUTAM A. ANKHAD, J.**

DATE: 4th NOVEMBER 2025

P.C.:

The main ground urged in these writ petitions is that the petitioners were unable to lodge their objections on account of short period of six days given for raising objections to the Draft Electoral Roll.

2. The petitioners are voters for the general elections of Bhiwandi Electoral division of Thane Zilla Parishad and Pandharpur and Paithan Electoral division of Chhatrapati Sambhajnagar Zilla Parishad in upcoming Zilla Parishad and Panchayat Samiti general elections. Following the directions of the Hon'ble Supreme Court in its order dated 6th May 2025 in Special Leave Petition (C) No. 19756 of 2021, the respondent No.1- State issued notification in respect of final ward formation on 22nd August 2025 for the general elections of 32 Zilla Parishads and 336 Panchayat Samitis in State of Maharashtra. The respondent No.2- State Election Commission by notification dated 21st August 2025 fixed 1st July 2025 as the cut-off date for the voters' list for the general elections to local bodies and directed that the Maharashtra Legislative Assembly electoral roll as on that date shall be considered as the valid voters list. The respondent No.2 further issued a notification dated 23rd September 2025 bearing outward No. Rania/Jippans-2025/ P.No.20/Ka.7 publishing the program for preparation of the voters list for the general elections. As per the said program the draft voters list was scheduled to be published on 8th October 2025 and objections thereto were to be raised till 14th October 2025.

3. The petitioners are aggrieved by the notification dated 23rd September 2025 not granting sufficient time to file the objections and are therefore seeking directions to extend the period for filing objections by a further period of fourteen days. The petitioners in Writ Petition (St) No. 32796 and Writ Petition No.14832 of 2025 have prayed as under:-

“A) Issue an appropriate writ, order or direction in the nature of writ and thereby declare that, the six (06) day period provided by respondent No. 2 State Election Commission for filing objections to

the Draft Electoral Rolls (08.10.2025) to 14.10.2025) is unreasonable, arbitrary, and violative of Articles 14 and 21 of the Constitution of India;

B) Issue a writ of mandamus or any other appropriate writ, order or direction and thereby direct respondent No. 2 State Election Commission to extend the period for filing objections to a minimum of fourteen (14) days from the date of publication of the Draft Electoral Roll in the present election, and to follow the same minimum period in all future similar exercises;

C) Issue a writ, order or direction and thereby direct respondent No. 2 State Election Commission to provide effective, accessible and technologically effective mechanisms for inspection and objection, including but not limited to:

- Simultaneous publication of the Draft Electoral Rolls on the SEC's Official Website, District Websites and Block Portals, in searchable and downloadable format;*
- Provision for an online objection portal based on EPIC/name/date of birth;*
- Mobile facilitation units for remote and flood-affected areas; and*
- Extended working hours and additional counters at Block and District Headquarters;*

D) Pending the hearing and final disposal of this Writ Petition, stay the operation of the programme notified by respondent No. 2 insofar as it restricts the objection period to six (06) days (08.10.2025 to 14.10.2025), and extend the said objection period up to 22.10.2025 i.e. a minimum fourteen (14) day window;

E) Any other suitable and equitable relief may kindly be granted in favour of the Petitioner."

4. The learned counsel for the petitioners submits that on account of flood and inaccessibility to the electronic devices, the petitioners were unable to raise their objections to the Draft Electoral Roll. In paragraph no. 8 of Writ Petition (St) No. 32796 of 2025, the petitioner has stated thus: -

"8. The Petitioner state and submit that, as per the program published by the respondent No. 2, the Draft Voters list would be published on 08.10.2025. After publication of the Draft Voters List, the objections and suggestions to the Draft Voters List are allowed to raise/submit only up till 14.10.2025 (i.e., a 6-day period from publication until deadline). A marginal window merely 06 days has been provided for filing of suggestions & objections against the Draft

Voters List. This is despite the fact that, there is huge increase in number of voters in the state of Maharashtra. And considering this increment, this window period of 06 days would be too short for filing the suggestions and objections to the Draft Voters List as per the scheduled program.”

5. On 16th September 2025, the Hon’ble Supreme Court passed the following order: -

“1. The controversy in the instant case pertains to the conducting of the local body elections in the State of Maharashtra. Previously, the elections could not be held on account of the dispute re: validity of reservation for Other Backward Class categories, as noted in our order dated 06.05.2025.

2. The subject-matter of challenge in the instant proceedings inter alia, thus, is the validity of the reservation recommended by the Banthia Commission for OBCs in local bodies. It is in this backdrop, that on 06.05.2025, this Court passed a reasoned order with the following directions:

“5. Consequently, subject to the outcome of these proceedings and without prejudice to the issues raised on behalf of the rival parties, we deem it appropriate to issue the following directions to the State of Maharashtra/State Election Commission:

(i) The elections to the local bodies shall be notified by the State Election Commission within four 10 weeks;

(ii) The reservation shall be provided to the OBC communities as per the law as it existed in the State of Maharashtra prior to the 2022 Report of the Banthia Commission;

(iii) An endeavour shall be made to conclude the elections within a period of four months. However, the State Election Commission shall be at liberty to seek extension of time in appropriate cases; and

(iv) The Elections shall be held subject to the outcome of these proceedings.”

3. It may be seen from paragraph 5(iii) of the above reproduced order, the elections were expected to be concluded within a period of four months, namely, by 06.09.2025. However, we are informed by learned counsel for the parties that the elections are yet to be notified. On a query, learned State counsel as well as learned counsel for the State Election Commission jointly state that:

(i) The delimitation exercise for Zila Parishads and Panchayat Samitis has been completed;

(ii) The delimitation exercise for the Municipalities and other local bodies is still going on; and

4. The State Election Commission has consequently filed an application seeking extension of time, inter alia, on the grounds that:

(a) Sufficient EVMs are not available;

- (b) Due to School Education Board Examinations, the school premises will not be available for setting-up polling booths; and*
- (c) The Commission has not been able to requisition sufficient number of officers to perform the duties of Returning Officers and the other assisting staff.*

5. We have heard learned counsel for the parties at a considerable length in this regard. At the very outset, we are constrained to observe that the State Election Commission has failed to take the desired action to ensure the compliance of our order dated prescribed 06.05.2025 and to conduct elections within the prescribed time schedule. We would once again remind all the concerned authorities that properly functioning local bodies are the very soul of a constitutional democracy.

6. That being said, and as a one-time concession with a view to ensure that there is no further impediment in conducting the elections, we deem it appropriate to issue the following directions:

(i) The pending delimitation exercise(s), in all circumstances, shall be completed by 31.10.2025. No further extension shall be granted in this regard, and it is clarified at the cost of repetition that pending delimitation exercises shall not be a ground to defer the elections any longer;

(ii) Since the School Board Examinations will take place in the month of March, 2026 – which is quite far away from the timeline we had imposed for conduct of local body elections, we reject this plea of the State Election Commission for postponement of the elections.

(iii) The Chief Secretary, State of Maharashtra is directed to immediately deploy the requisite staff for performing the election duties as may be directed by the State Election Commission.

(iv) To that end, the State Election Commissioner is directed to submit the details of the staff that may be required by it to the Chief Secretary within two weeks. The Chief Secretary will provide the requisite staff within four weeks thereafter. The details of the officers/officials, who will be deployed for election duties, shall be furnished to the State Election Commission within four weeks.

(v) As regard to the EVMs, we direct the State Election Commissioner to make necessary arrangements and file a compliance affidavit regarding availability of the requisite EVMs by 30.11.2025.

7. The elections of all the local bodies, including the Zila Parishads, Panchayat Samitis and the Municipalities shall be conducted by 31.01.2026. It is made clear that no further extension shall be granted to the State or the State Election Commission.

8. In case the State Election Commission requires any other logistic support on the intervention of this Court, an appropriate application be filed in that regard promptly, and in any case by or before 31.10.2025. No such prayer shall be entertained thereafter.

9. At this juncture, we are informed that various writ petitions have been filed before different Benches of the High Court of Judicature at Bombay questioning the delimitation exercise or reservation of wards etc. The State of Maharashtra/State Election Commission may seek clubbing of

all these petitions before one Bench and such a prayer may be sympathetically considered by the Hon'ble Chief Justice of the High Court of Judicature at Bombay.

10. *Post the matters for compliance on 03.02.2026 (NMD)."*

6. As it is evident on a glance at the order passed by the Hon'ble Supreme Court, the entire exercise for conducting elections has to be completed by 31st January 2026. In view thereof, the grievance raised by the petitioners regarding a short period of six days given to the proposed voters to raise objections to the Draft Electoral Roll cannot be considered. The reasons put-forth by the petitioners for extension of deadline are normal incidents of day to day life and cannot be made a ground to pass an order which may create difficulties for the respondents to follow the directions of the Hon'ble Supreme Court.

7. Accordingly, Writ Petition (St) No. 32796 of 2025 and Writ Petition No. 14832 of 2025 are dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]