

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15118 OF 2025**

Dr. Jagruti Kundan Phegade ... Petitioner.
V/s
The State of Maharashtra and Others ... Respondents.

Mr. Tapan Sant, advocate for the petitioner.
Mrs. Neha S. Bhide, G.P. a/w. Mr. O.A. Chandurkar, Addl. G.P., Mr.
V.G. Badgujar, A.G.P., Mrs. G.R. Raghuwanshi, A.G.P. for the
respondent-State.

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

DATE : 7th NOVEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

Not on board. Upon mentioning, the writ petition is taken on the production Board. The present writ petition has been filed seeking a direction to include the petitioner's name in the voters' list of her original constituency, namely, the Raver constituency in part Yawal, and to permit her to cast her vote in the forthcoming Municipal Council elections from Raver constituency.

2. Mr. Sant, learned counsel for the petitioner, submits that the petitioner has been an active voter in the Raver constituency and has been exercising her franchise there since 2009. However, her name was found missing from the voters' list published for the Municipal Council elections. The petitioner thereafter took necessary steps, and her name came to be included in the voters' list pursuant to a correction dated 29th October 2025 issued by the Election Commission of India. In the meantime, on 30th September 2025, the respondent no. 2 (Maharashtra State Election Commission) issued directions that

only those voters who were registered in their respective constituencies prior to 1st July 2025 would be included in the final voters' list. The petitioner's representation dated 30th October 2025 to the respondent no. 4, seeking inclusion of her name, yielded no response. Hence, the present petition has been filed seeking inclusion of the petitioner's name in the voters' list.

3. The Hon'ble Supreme Court in *Lakshmi Charan Sen v. A.K.M. Hassan Uzzaman*, (1985) 4 SCC 689 has held that the High Court while exercising its jurisdiction under Article 226 cannot assume control over the election process or pass orders that has the effect of postponing an election. A division bench of this Court while dealing with a matter pertaining to elections of co-operative societies in "*Dattatray Genaba Lole v. Registrar, Coop. Society*", (2021) 2 HCC (Bom) 612 held that the inclusion or exclusion of a name in the voters' list does not constitute an extraordinary circumstance warranting interference by this Court in the exercise of its writ jurisdiction under Article 226 of the Constitution of India. In other election matters, a similar view has been taken by the Himachal Pradesh High Court in "*Akhtar Hussain v. H.P. State Commission*," 2021 SCC OnLine HP 125. Section 11 of the Maharashtra Municipal Councils, Nagar Panchayat and Industrial Townships Act, 1965 empowers the respondent no. 2 to notify the date on which the electoral roll would be considered for the preparation of the list of voters. In this case also, the election process has begun and the final voters list is published. Entertaining this petition at this stage would amount to obstructing the election process, which is not permissible. **Writ Petition No. 15118 of 2025** is dismissed with no order as to costs.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]