

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

WRIT PETITION NO.17515 OF 2025

Sunil Dilip Salve,]
Age : 37 years, Occ.: Service,]
R/o. House No.293, Plot No.55,]
Gut No.293, Savitri Nagar,]
Tal & Dist. Chh. Sambhajanagar] ..Petitioner

Versus

1. The State of Maharashtra,]
Through its Secretary]
The State Election Commission, Mumbai]
2. The Chief Electoral Officer (CEO),]
Maharashtra,]
General Administration Department,]
Mantralaya, Mumbai]
3. The District Election Officer/]
Electoral Registration Officer/District Collector,]
Office of the District Collector,]
Tal. & Dist. Chh. Sambhajanagar]
4. The Municipal Commissioner/Election Officer,]
Office of Chh. Sambhajanagar Municipal Corpn.]
Tal. & Dist. Chh. Sambhajanagar]
5. Election Returning Officer (Ward No.9)/]
District Supply Officer,]
Office of Chh. Sambhajanagar Municipal Corpn.]
Tal. & Dist. Chh. Sambhajanagar] ..Respondents

Mr. Arun S. Shejwal, Advocate for the Petitioner.

Mr. Salindra B. Shetye with Mr. Akshay Pansare and Mr. Nipun Sawane, Advocates for Respondent No.3.

Mrs. Neha S. Bhide, Government Pleader with Mr. O.A. Chandurkar, Additional Government Pleader and Mrs. G.R. Raghuwanshi, Assistant Government Pleader for the Respondent-State of Maharashtra.

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

DATE : 23rd DECEMBER 2025.

P.C. :

Aggrieved by the decision or inaction on the part of the respondent-Authority not to include his name in the voter list at the transferred place, the petitioner has filed this writ petition. Mr. Arun Shejwal, the learned counsel for the petitioner submits that the petitioner was residing and was registered as a voter at 102-Badnapur Assembly Constituency at Jalna district. The petitioner was transferred to Chhatrapati Sambhajanagar city for his service. He filed an online application on 19th July 2025 as prescribed in Form No.8 for transferring his name from Badnapur to Chhatrapati Sambhajanagar city. He tenders a copy of the certificate dated 17th December 2025 to submit that the name of the petitioner has been deleted from electoral roll of 102-Badnapur Constituency and was included in the 106-Phulambri Constituency. Mr. Shejwal submits that the respondent no.4 declared the voters' list on 20th November 2025. The petitioner discovered that his name was not appearing in the published voters' list and therefore made an application to include his name in Ward No.9 on 27th November 2025. A representation was made to the State Election Commission and to the respondents on 15th December 2025 and 18th December 2025. As there is no response, the present petition has been filed.

2. At a glance at the application submitted by the petitioner vide Exhibit-B at running page 13 of the paper-book, we gather that the application made on 19th July 2025 for transfer of his name was beyond the cut-off date prescribed by the respondent no.4. It is settled law that the writ jurisdiction of the High Court in the election matters is extremely limited as held by the Hon'ble Supreme Court in "*Mohinder Singh Gill v. Chief Election Commissioner*" (1978) 1 SCC

405 and “*State of Goa v. Fouziya Imtiaz Shaikh*” (2021) 8 SCC 401. It is also well settled law as held by the Hon’ble Supreme Court in “*Lakshmi Charan Sen v. A.K.M. Hassan Uzzaman*” (1985) 4 SCC 689 that the process of election cannot be halted on the ground that certain claims and objections are not finally disposed of, even assuming that they are filed in accordance with law.

3. Secondly, although the voter list was declared on 20th November 2025 and the petitioner filed an application as per Form “A” on 27th November 2025, there is no averment in the petition as to why the present petition is filed belatedly on 19th December 2025. It is settled law that right to vote is neither a fundamental right nor a common law right, but purely a statutory right as held by the Hon’ble Supreme Court in “*Kuldeep Nayar v. Union of India*” (2006) 7 SCC 1.

4. In view of the above, there is no merit in the petition and **Writ Petition No.17515 of 2025 is dismissed.**

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]