



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 6687 OF 2025

Sanjay s/o Natthuji Raut,

..Petitioner

The District Election Officer, Nagpur and
others.

..Respondents

Mr. Akshay A. Naik, Senior Advocate a/b Mr. N.S.Jadhao and Mr. A. A.Mankar,
Advocates for petitioner.

Mr. D. V. Chauhan, Senior Advocate/Government Pleader a/b Mr. N. S. Rao, Assistant
Government Pleader for respondents/State.

CORAM :- ANIL S. KILOR and RAJNISH R. VYAS, JJ.

DATE :- 6thNovember, 2025

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Heard learned counsel for the parties.

2. The challenge raised in this petition is to the order dated 30.10.2025 passed by the respondent- Collector and District Election Officer, Nagpur on an appeal filed by the petitioner under Section 24 of the Representation of People Act, 1950 (for short, 'the Act of 1950') asking the petitioner to file an application under Section 22 of the Act of 1950 for correction of entries in the electoral rolls.

3. It is the grievance of the petitioner that his name is transposed from 48-Katol Assembly Constituency to 50-Hingana Assembly Constituency without any intimation to the petitioner.

4. On the other hand, Mr. Chauhan, learned Senior Advocate/Government Pleader argues that the petitioner moved an application in Form 8 under Rules 13(3) and 26 of the Registration of Election Rules, 1960 (for short, 'the Election Rules of 1960') for such transposition; and on acting upon the same, an order came to be passed accepting the request of the petitioner for transposition of his name to the above referred effect. It is further argued that since it is the case of the petitioner himself that he never

applied under Section 22 of the Act of 1950, the Collector rightly asked the petitioner to make an application under Section 22 for transposition of his name.

5. Mr. Naik, learned Senior Advocate however argues that the application on which the respondents are relying to say that it is the application for transposing of the name of the petitioner from one constituency to another, does not bear his signature. It is submitted that there is a report that someone has fraudulently filed such application in the name of the petitioner. He therefore submits that once the Authority has treated such application for transfer of the name of the petitioner from one constituency to another, as filed by the petitioner under Section 22, an appeal filed by the petitioner under Section 24 of the Act of 1950 ought to have entertained by the respondent Collector and District Election Officer and he should not have asked the petitioner to make an application under Section 22 of the Act of 1950.

6. Having gone through the impugned order, we find substance in the argument of Mr. Naik, learned Senior Advocate, that if it is the case of the respondents that the order dated 26.03.2025 was passed on the application moved by the petitioner under Section 22 of the Act of 1950, the Collector ought to have entertained the appeal on merits without asking the petitioner to file an application under Section 22 of the Act of 1950.

7. We are therefore of the view that the appeal needs to be remanded back to the respondent Collector and District Election Officer for its decision on merit within the stipulated period.

8. Accordingly, we pass the following order:

- (i) The writ petition is partly allowed.
- (ii) The order passed by the respondent-Collector-District Election Officer dated 30.10.2025 is hereby quashed and set aside.
- (iii) The respondent-Collector-District Election Officer is directed to decide the appeal of the petitioner within a period of three days from the date of appearance of the petitioner before him.

(iv) The petitioner shall appear before the respondent-Collector-District Election Officer on **10.11.2025 at 11.00 a.m.**

9. The writ petition is disposed of in above terms. No order as to costs.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)

Andurkar.