

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

WRIT PETITION NO. 17884 OF 2025

Vaishali Devidas Suratne & Anr. .. Petitioners

Vs.

Collector, Akola, Tq. & Dist. Akola
& Ors. .. Respondents

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Ms. Mohini Rehpade a/w Vijay Singh a/w Daksha Pungheria a/w
Deepesh Ramnakiani, Advocates for the Petitioners.

Mrs. Neha S. Bhide, Government Pleader with Mrs. Apurva Thipsay,
“B” PNL for Respondent Nos.1 to 3.

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

DATE : 2nd APRIL 2026.

P.C. :

The petitioners who claim that they are permanent residents of village Wadali Satvai, Tahsil – Akot, District - Akola are seeking a direction for deletion of the name of the respondent no.4 from the voters list.

2. The petitioners state that the respondent no.4 and her husband are residents of village Chichpani, Po. Khirkund, Gat Grampanchayat Wastapur, Tq. Akot, District – Akola and they were included in the voters list published on 6th August 2024 and 30th August 2024. Their names are also included in the jobcard of village Chinchpani. However, the respondent no.4 and her husband have been shown in the voters list for village Wadali Satvai on the ground that they are residing in a rented accommodation. The petitioners lodged a

complaint against illegal inclusion of the names of the respondent no.4 and her husband in the voters list. The learned counsel for the petitioners refers to the decision in “*Election Commission of India & Anr. v. Dr. Manmohan Singh & Ors.*” (2000) 1 SCC 591 and submits that the respondent no.4 and her husband cannot be held to be ordinary residents of village Wadali Satvai.

3. This has been the experience in the last several decades that the elections to local body, assembly and even parliament are sought to be thwarted on filing petitions on different grounds. In “*Lakshmi Charan Sen & Ors. v. A.K.M Hassan Uzzaman*” (1985) 4 SCC 689, the Hon’ble Supreme Court observed that the elections cannot be postponed for the reason that certain claims and objections have remained to be disposed of. It further held that the High Courts must observe a self imposed limitation on their power to act under Article 226 by refusing to pass orders or give directions which will inevitably result in an indefinite postponement of elections to legislative bodies which are the very essence of the democratic foundation and functioning of our Constitution. That limitation ought to be observed irrespective of the fact whether the preparation and publication of electoral rolls are a part of the process of ‘election’ within the meaning of Article 329(b) of the Constitution.

4. A challenge to the voters list cannot be entertained in a writ proceeding unless it is demonstrated *prima facie* and not by any strenuous exercise that a person has been included in the voters list illegally. The stand taken by the petitioners that the respondent no.4 and her husband have taken rental accommodation only to create a ground for inclusion of their names in the voters list cannot be adjudicated in the writ proceeding. The learned counsel for the petitioners has also endeavoured to demonstrate from certain

documents brought on record that the respondent no.4 and her husband have already left the rented accommodation and they are no longer staying at village Wadali Satvai. Here again, this fact cannot be adjudicated in a proceeding under Article 226 of the Constitution of India.

5. Writ Petition No. 17884 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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