

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****SPECIAL CIVIL APPLICATION NO.20646 of 2016**

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SADIQ AHMED PATEL &amp; 1....Petitioner(s)

Versus

STATE OF GUJARAT &amp; 4....Respondent(s)

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Appearance:

MR NK MAJMUDAR, ADVOCATE for the Petitioner(s) No.1 - 2

MR DHAWAN JAYSWAL, ASSISTANT GOVERNMENT PLEADER for the  
Respondent(s) No.1

MS ROOPAL R PATEL, ADVOCATE for the Respondent(s) No.2

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CORAM: **HONOURABLE MS. JUSTICE HARSHA DEVANI**

and

**HONOURABLE MR. JUSTICE A.S. SUPEHIA****Date : 14/12/2016****ORAL ORDER****(PER : HONOURABLE MS. JUSTICE HARSHA DEVANI)**

1. By this petition, the petitioners seek a direction for quashing and setting aside the Notification dated 5<sup>th</sup> December, 2016 as well as the Election Notice dated 5<sup>th</sup> December, 2016 for the elections of Devla village panchayat. The ground on which the petition has been filed is that the voters' list which has been prepared by the respondent authorities contains many errors.

2. Heard Mr. Nirav Majmudar, learned advocate for the petitioners and Mr. Dhawan Jayswal, learned Assistant Government Pleader for the respondent No.1.

3. In the context of the reliefs prayed for in the

petition, it may be apposite to note that section 20 of the Gujarat Panchayats Act, 1993 makes provision for list of voters. Sub-section (3) of section 20 provides that if on an application made to him in this behalf or on his own motion, the specified officer is satisfied that the list of voters is at variance with the relevant part of the electoral roll of the Gujarat Legislative Assembly on account of any mistake in the list, he shall amend the list so as to bring it in conformity with the said electoral roll and for that purpose, he may amend, delete or add any entry in that list. Sub-section (6) of section 20, however, provides that no amendment, deletion or addition of any entry in the list of voters for an electoral division shall be made under sub-section (3) and no direction for inclusion of a name in that list shall be given under sub-section (5) during the period between such date as the State Election Commission may, by general or special order, notify in this behalf and the date of the completion of any concerned election in the electoral division.

4. Ms. Roopal Patel, learned advocate appearing on behalf of the respondent No.2 – Election Commissioner has submitted that the State Election Commission has notified the period as contemplated under sub-section (6) of section 20 as being the period from the date of filing of the nomination papers till the date of election. Mr. Dhawan Jayswal, learned Assistant Government Pleader has placed on record the election programme of the elections of the village Panchayat which indicates that the nomination forms are to be filed on or before 10<sup>th</sup> December, 2016 and the date of casting votes is 27<sup>th</sup> December, 2016. Under the circumstances, the reliefs prayed for in the petition cannot be granted in view of the

provisions of sub-section (6) of section 20 of the Act.

5. In the light of the above discussion, the petition fails and is accordingly summarily dismissed.

( Harsha Devani, J. )

( A.S. Supehia, J. )

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