

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 5261 of 2026

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VARSHA MUKESHBHAI KATARA
Versus
THE STATE ELECTION COMMISSION THROUGH SECRETARY &
ORS.

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Appearance:

MR CP CHAMPANERI(5920) for the Petitioner(s) No. 1
AISHVARYA(8018) for the Respondent(s) No. 1
G H VIRK(7392) for the Respondent(s) No. 4
MS. SHRUTI DHRUVE, ASST. GOVERNMENT PLEADER for the
Respondent(s) No. 2,3

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CORAM:HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA
and
HONOURABLE MR.JUSTICE J. L. ODEDRA

Date : 10/04/2026

JUDGMENT
(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)

1. The prayer in this writ petition is to direct the respondent authorities to include the name of the petitioner in the electoral roll of Ward No. 4, i.e., Sabarmati, to enable her to participate in the ensuing elections of the Ahmedabad Municipal Corporation.

2. It is not in dispute that the name of the petitioner was not found in the electoral rolls of the Legislative Assembly constituency, which is the basis for the preparation of the electoral roll of the Municipal Corporation. Since the name of the petitioner was not found in this list, she made an

application for inclusion of her name on 23.03.2026.

3. It may also be pertinent to state here that the list, as it was revised and as it stood on 17.02.2026, was considered to be the basis for preparation of the preliminary list under the rules framed by the Bombay Provincial Municipal Corporations (Registration of Voters) Rules, 1994. This preliminary list was published on 23.03.2026.
4. As the name of the petitioner was not available in the Legislative Assembly constituency as on 17.02.2026, her name was also not found in the electoral roll prepared by the Municipal Corporation in accordance with the aforementioned rules.
5. It is also not in dispute that the application that the petitioner had filed for inclusion of her name in the electoral roll of the Legislative Assembly constituency on 23.03.2026 was allowed on 01.04.2026. The legal effect of this is that the name of the petitioner is deemed to be in the electoral rolls of the Legislative Assembly constituency.
6. The argument of the State Election Commission that the name of the petitioner was only included after the publication of the preliminary list on 23.03.2026 and the petitioner cannot seek for inclusion is untenable and is of no consequence. Basically the State Election Commission is tasked with replicating the electoral roll of the Assembly

constituency. The State Election Commission does not exercise any independent right in the matter of inclusion or deletion from its electoral rolls, and it only is empowered to replicate the electoral roll of the Assembly constituency.

7. In our view, since the basis for the creation of an electoral roll for the Municipal Corporation is based on the electoral roll of the Assembly constituency, on inclusion of the name in the Assembly constituency, the petitioner becomes entitled to vote and participate in the electoral process.
8. It is to be noticed here that the application filed by her for inclusion was allowed before the last date fixed for filing of nominations. It may also be further pertinent to state here that the application was filed on 23.03.2026, i.e., prior to the period of 10 days prescribed under the rules mentioned above. In our view, therefore, the petitioner has made out a case to have her name included in the electoral roll for Ward No. 4, Sabarmati, and as a consequence, she would also be entitled to participate in the electoral process.
9. Accordingly, the present writ petition is allowed. Direct service is permitted today.

(N.S.SANJAY GOWDA,J)

(J. L. ODEDRA, J)

Mehul Desai