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

WRIT PETITION NO. 7508 OF 2025

(Shakil Hamid Mansuri Vs. State of Maharashtra and others)

AND

WRIT PETITION NO. 7512 OF 2025

(Ashwini Narendra Burde Vs. State of Maharashtra and others)

AND

WRIT PETITION NO. 7517 OF 2025

(Sachin s/o Nagorao Chute Vs. State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. H.S. Chitale, Adv with Mr. Vedant H. Pandey, Advocate for petitioner in WP 7508/2025

Mr. Abhinav Saxena, Adv. With Mr. A.M. Quazi, Advocate for petitioner in WP 7512/2025

Mr. M. Anilkumar Adv with Mr. Yash Kullarwar, Ms. Disha C. Kamwani, Advocate for petitioner In WP 7517/2025.

Mr. A.M. Kukday, Advocate for State Election Commission.

Mr. K.P. Marpakwar, AGP for respondent / State.

CORAM : ANIL S. KILOR & RAJNISH R. VYAS, JJ.

DATED : 02-12-2025.

Heard learned counsels for the parties.

2. Issue notice to the respondents, returnable on 10.12.2025.

3. Learned AGP waives notice for respondent Nos. 1 and 3 in Writ Petition 7508/2025, for respondent No. 2 in Writ Petition No. 7512/2025 and for respondent nos. 1 and 3 in Writ Petition No. 7517/2025. Mr. A.M. Kukday, learned Counsel waves notice for respondent No. 2 in Writ Petition No. 7508/2025, for respondent No. 1 in Writ Petition No. 7512/2025 and for respondent No. 2 in Writ Petition No. 7517/2025.

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4. In these petitions, deferring of the election of certain Municipal Councils and Nagar Panchayats is under challenge. The State Election Commission with deferring of the election issued new schedule from the stage of withdrawal of nomination till declaration of result.

5. It is to be noted that the election of all the Municipal Councils and Nagar Panchayats in the State of Maharashtra were scheduled to be held on 2.12.2025 and accordingly common election programme was issued.

6. However, to provide three day's time for withdrawal of nomination after the decision on appeal filed against acceptance or rejection of nomination paper, said decision to defer the election of certain Municipal Councils and Nagar Panchayats was taken by the State Election Commission.

7. Today, learned counsel Mr. Kukday appearing for State Election Commission has filed a copy of correspondence addressed to him, issued by Deputy Secretary, State Election Commission, informing that the State Election Commission has deferred the elections of certain Municipal Councils and Nagar Panchayats where appeals were filed and polling is going to be held on 2.12.2025. The counting and declaration of such Municipal Councils and Nagar Panchayats will be done on 21.12.2025 along with the Municipal Councils and Nagar

Panchayats where polling is scheduled to be taken place on 20.12.2025.

8. The letter is taken on record and same is marked as Article 'A' for identification.

9. The last but one para in the said letter says that counting and declaration of results for Municipal Councils and Nagar Panchayats not affected by the appeals will be done as per schedule on 3.12.2025.

10. The above referred para shows that the State Election Commission is intending to declare the results on 3.12.2025 of the polls which will be taken on 2.12.2025. We are of the opinion that if the results of the polls to be held on 2.12.2025 are declared on 3.12.2025, it may materially affect the results of the polls to be held on 20.12.2025 and in that case, it cannot be said that the elections to be held on 20.12.2025 are held in fair and transparent manner.

11. As we have observed, the elections of all Municipal Councils and Nagar Panchayats are going to be held together throughout Maharashtra. If the public mood is disclosed by declaring the result on 3.12.2025 of the polls to be held on 2.12.2025, it may materially affect the result of the polls to be held on 20.12.2025

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12. Therefore, we are of the opinion that the decision of the State Election Commission to declare the results in two phases i.e. on 3.12.2025 of the polls to be held on 2.12.2025 and on 21.12.2025 of the polls to be held on 20.12.2025, is not just and proper and needs to be interfered with for fair and transparent election.

13. Furthermore, for the same reason we are of the opinion that exit poll shall not be published or publicized during this period. Accordingly, we pass following order:

Order

i) The State Election Commission is hereby directed not to carry out counting and publish the result on 3.12.2025 of the polls to be held on 2.12.2025. It is further directed that the counting shall be done and results be declared of the polls to be held on 2.12.2025 along with the counting and results of election to be held on 20.12.2025.

ii) We direct that no person shall publish or publicise by means of print or electronic media or in any other manner, any result of exit poll during the period commencing from beginning of the hours fixed for poll on 2.12.2025 and shall continue till half an hour after closing of the polls on 20.12.2025.

iii) Model Code of Conduct shall continue to apply till declaration of results.

Clause (i) is corrected as per court's order dtd.2.12.2025

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14. Place these matters for further consideration on 10.12.2025. In the meantime, the State Election Commission shall file response to the petitions.

15. Steno copy granted.

(RAJNISH R. VYAS, J)

(ANIL S. KILOR, J)

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