

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.4112 OF 2015

Ambadas s/o Deorao Bhore

Petitioner

Versus

The Tahsildar, Purna & others

Respondents

Mr.S.B.Ghatol Patil, advocate for the petitioner

Mr.Shivaji T. Shelke, advocate for Respondents No.1 & 2.

Mr.P.P.Kulkarni, advocate for Respondent No.3.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 11th June, 2015

PER COURT:

1 The petitioner is objecting to the division of village into wards formed by the authorities by resorting to the provisions of Bombay Village Panchayat (Number of Members, Divisions into Wards and Reservation of Seats) Rules, 1966.

2 The population of the village is 543 and as per the provisions of Rule 2-A, number of members to be elected, is prescribed as 7. The village is divided into three wards having regard to the population ratio. The population of Ward No.1 is 152, whereas, Wards No.2 and 3 bears population of 160 and 231 respectively. The petitioner has lodged an objection in respect of inclusion of House Nos.1 to 10 in Ward No.1.

3 The objection as regards House Nos.1 to 9 appears to have been accepted and those houses have been included in Ward No.1, whereas, House No.10 is included in Ward No.2.

4 The petitioner contends that it was not open to include House No.10 in Ward No.2 since it affects geographical continuity and as such, there is violation of Rule 3 of the Rules.

5 Learned Counsel appearing for the State Election Commission has pointed out that the wards have been formed having regard to the population of the village and by inclusion of House No.10 in Ward No.1, the population ratio concerning Wards No.1 and 2 would disturb the equilibrium.

6 In our view, formation of wards by the Respondent-authorities has been done having due regard to the provisions of Rule 3 of Rules of 1966 and the trifle objection raised by the petitioner in respect of inclusion of House No.10 need not be entertained in exercise of Article 226 of the Constitution of India. Petition is devoid of substance.

7 Writ Petition stands dismissed.

P.R.BORA
JUDGE

adb/wp411215

R.M.BORDE
JUDGE