

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
REVIEW APPLICATION NO.105 OF 2015 IN
WRIT PETITION NO.6653 OF 2015

Babasaheb Digambar Shejul

Applicant

Versus

The State of Maharashtra & others

Respondents

Mr.A.A.Nimbalkar, advocate holding for Mr.S.J.Salunke, advocate for the applicant.

Mrs.A.G.Gondhalekar, A.G.P. for Respondents No.1 & 3.

Mr.S.T.Shelke, advocate for Respondent No.2.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 28th July, 2015

PER COURT:

The writ petition presented by the applicant has been dismissed on 7th July, 2015, on the ground that process of election has already commenced and as such, no interference is called for.

It has later on transpired that the statement made by the learned Counsel for State Election Commission was based on incorrect instructions and in fact process of election has not commenced.

In view of above, order passed by this Court on 7th July, 2015 in Writ Petition No.6653 of 2015, based on incorrect information tendered on behalf of Respondent-State Election Commission, deserves to be recalled and same is accordingly recalled.

Review Application is allowed and Writ Petition No.6653 of 2015 is restored to its original number.

**P.R.BORA
JUDGE**

adb/ra10515

**R.M.BORDE
JUDGE**

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.6653 OF 2015

Babasaheb Digambar Shejul

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.A.A.Nimbalkar, advocate holding for Mr.S.J.Salunke, advocate for the Petitioner.

Mrs.A.G.Gondhalekar, A.G.P. for Respondents No.1 & 3.

Mr.S.T.Shelke, advocate for Respondent No.2.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 28th July, 2015

PER COURT:

1 The petitioner is objecting to the order issued by the State Election Commission in respect of delimitation of wards.

2 The petitioner contends that the serial number, prescribed for each of the ward under the order of delimitation issued by the State Election Commission, is not in consonance with Rule 3 of the Bombay Village Panchayats (Number of Members, Divisions Into Wards and Reservation of Seats) Rules, 1966. Sub-rule (2) of Rule 3 mandates that the wards shall be numbered serially in the directions commencing from south, south-west, west, north-west, north, north-east, east and south-east. The petitioner contends that each of the wards are not numbered serially in consonance with the directions contained in sub-rule (2) of Rule 3. It has been pointed out that the area falling at the extreme south corner has been allotted Ward No.4, which ought to have been allotted Ward No.1 and consequently serial numbers for other wards have also been allotted in contravention of the relevant rule.

3 Learned Counsel appearing for the State Election Commission contends that the area, pointed out by the petitioner in the map, falls at about 2 Kms away from the village, in southern direction and as such, assigned ward No.4. According to the Respondent, even if there is any error in prescribing serial number for wards, it does not affect prescription of reservation of seats. In the instant matter, petitioner is not in a position to point out as to what prejudice is caused to him as a result of prescription of incorrect numbers in respect of each of the ward. It is observed that no prejudice is caused to the petitioner even if it is presumed that there is some error in prescribing ward numbers. In exercise of extraordinary jurisdiction under Article 226 of the Constitution of India, no interference is called for. Writ Petition is devoid of substance.

4 Writ Petition stands dismissed.

P.R.BORA
JUDGE

adb/ra10515

R.M.BORDE
JUDGE