

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10239 OF 2015

Ramakant Devba Sul & anr.	...	Petitioners
V/s.		
State of Maharashtra & ors.	...	Respondents

Mr. K.U. Nikam for the petitioners.

Mr. P.P. Kakade, AGP for respondents 1, 3 and 4.
Mr. S.B. Shetye for respondent no.2.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

26th October, 2015.

P.C.

Heard learned Counsel for the parties.

2. The petitioner challenges ward formation done for holding election of Village Morochi Gram Panchayat, Taluka Malshiras, District Solapur. In the earlier round a petition was filed raising objection to the ward formation. By an order dated 1st September, 2015 in Writ Petition No. 2406/15, the petition was disposed of on the statement made by the State Election Commission. Accordingly, a fresh exercise of delimitation and reservation of ward was done. The Collector thereafter passed the impugned order.

3. Learned Counsel appearing for the petitioner submits that delimitation has not been done in accordance with law, considering the geographical boundary and the ratio of population. With the assistance of learned Counsel we have perused the draft proposal, final proposal and maps concerning the delimitation.

4. Learned Counsel appearing for the State Election Commission explains to us that in accordance with provisions of law and taking into consideration the population ratio, geographical boundary, clockwise delimitation was adopted. Learned Counsel submitted that as far as possible the Election Commission has followed the rules while de-limiting the constituency. It does not call for any interference.

5. We have perused the record placed before us and the orders passed by this Court earlier. We have also perused the maps relating to delimitation of ward. Prima-facie we find that clockwise delimitation process was undertaken. Where the population figures fluctuate between the different wards, by and large the ratio is maintained taking into consideration the geographical boundaries. From the map it seems that some part of ward no.3 was merged with ward no.2 which includes Sul Vasti, Ghotha Vasti and Zilla Parishad school. The explanation given by learned Counsel Mr. Shetye is that the village road was considered to be geographical boundary and as natural boundary was available, the authorities accordingly delimited the ward.

6. In the facts of the case, no interference is warranted in the

impugned order and notifications issued under the provisions of Rule 5(1) in Form A as well as notice under provisions of Rule 5(2) in Form B of the Bombay Village Panchayat (Number of Members, Divisions into Wards and Reservation of Seats) Rules, 1966. Petition is dismissed.

(S.B. SHUKRE, J.)

L.S. Panjwani, P.S.

(NARESH H. PATIL, J.)