

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

WRIT PETITION NO.3838 OF 2015

Shri. Dnyanesh Tukaram Londhe

.. Petitioner

Versus

State of Maharashtra and others

.. Respondents

Mr. A. S. Gaikwad, for the Petitioner.

Ms. M. S. Bane, "B" Panel Counsel for the Respondent Nos.1, 3 & 4.

CORAM : R.M. SAVANT, J.

DATE : 11th JUNE, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 11.02.2015 passed by the Additional Collector, Pune, by which order the objection raised on behalf of the villagers amongst whom was the present Petitioner was rejected by the Additional Collector. The controversy sought to be raised by the villagers numbering about 17 was the reservation of one seat in Ward No.2 for the Scheduled Tribes category. It is the case of the said villagers in the objection application No.15 that having regard to the population of the persons belonging to the Scheduled Tribes, there was no warrant to keep a seat reserved for the Scheduled Tribes in the said ward. In so far as the formation of wards is concerned, the procedure that was followed has been reflected in the impugned order

passed by the Additional Collector. The Additional Collector has adverted to the fact that the publication was made in respect of the proposed ward formation and objections were invited. After the objections were received i.e. objection raised by the certain villagers amongst whom was the Petitioner, a report was called from the Tahsildar. The Tahsildar accordingly submitted his report and in the said report mentioned that in terms of the census of the year 2011, there are 209 persons belonging to the Scheduled Tribes category. It is having regard to the said fact that the lots were drawn and in the lots the reservation was to be kept in Ward No.2 for the Scheduled Tribes. The Additional Collector accordingly by invoking the powers under Rule 10(1)(2)(3) and (4) of the Formation of the Wards Rules, 1966 rejected the said objection raised on behalf of the said 17 villagers. It is pertinent to note that though the objection was filed by 17 villagers, it is only the Petitioner who has filed the present Petition. The Learned Counsel for the Petitioner seeks to question the basis of the reservation kept for the Schedule Tribes on the ground that the population of the Scheduled Tribes is not 209 as mentioned in the said order of the Additional Collector. In my view, it is not possible to accept the said contention having regard to the fact that the said figure has been arrived at on the basis of the census of the year 2011. The order passed by the Additional Collector, therefore, does not suffer from any illegality or

infirmity for this Court to interdict in its Writ Jurisdiction. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]