

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

WRIT PETITION NO.2508 OF 2015

Shri. Ramnath Punja Sangale and others	.. Petitioners
Versus	
The State of Maharashtra and others	.. Respondents

**WITH
CIVIL APPLICATION NO.839 OF 2015**

Nilesh Uttam Jagtap and another	.. Applicants/ Interveners
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IN THE MATTER BETWEEN

Shri. Ramnath Punja Sangale and others	.. Petitioners
Versus	
The State of Maharashtra and others	.. Respondents

Shri. M. S. Karnik i/by Shri. Sachin Gite, for the Petitioners.

Shri. R. D. Raghuwanshi, for the Applicants/Interveners.

Ms. Neha Bhide, 'B' Panel Counsel for the Respondent Nos,1, 2, 4 & 5.

**CORAM : R.M. SAVANT, J.
DATE : 27th MARCH, 2015**

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 02.03.2015 passed by the Collector, Nashik, by which order

the dispute application filed by the Petitioners in respect of the formation of wards came to be dismissed and the formation of wards as approved by the Collector by the order dated 09.02.2015 and formation of wards in the proposal dated 29.01.2015 came to be confirmed.

2 . The said formation of wards was challenged by the Petitioners on the ground that the report by the Gramsabha has not been taken into consideration by the Collector before formalizing the formation of the wards. An affidavit in reply has been filed by the Tahsildar, Sinnar. In the said affidavit, it has been averred that the census of the year 2011 of the village in question being village Kankori was taken into consideration. It has been averred that the said census is valid for a period of 10 years and till the next census. It has further been averred that the Tahsildar had suo-moto vide letter dated 07.02.2015 had written to the Circle Officer calling for a report regarding the ward formation. It has been averred that the said report was prepared as a precautionary measure and not as per any directions. It has been further averred that the letter dated 07.02.2015 was neither issued pursuant to directions of the Collector nor with his knowledge. In view of the said averments made in the affidavit filed by the Tahsildar which is dated 23.03.2015, the case of the Petitioner that the exercise of formation of wards has been carried out without having regard to the report which has been submitted by the Circle Officer cannot be

accepted. The affidavit in terms states that the exercise of obtaining report was carried out by the Tahsildar without there being any direction issued by the Collector and without his knowledge. A perusal of the wards that has been constituted and the population which is included in each ward would indicate that there has been equitable distribution in all the wards and therefore, it cannot be said that there is any illegality committed by the authorities for this Court to interfere in its Writ Jurisdiction. The Writ Petition is accordingly dismissed. In view of the dismissal of the above Writ Petition, the Civil Application filed in the above Writ Petition does not survive and to stand disposed of as such.

[R.M. SAVANT, J]