

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

WRIT PETITION NO. 2958 OF 2015

Shri Ram Pandurang Bhoskar & ors.	...	Petitioners
V/s.		
The State Election Commissioner & ors.	...	Respondents

Mr. Dilip Bodake for the petitioners.

Mr. S.B. Shetye for respondent no.1.
Mr. Vikas Mali, AGP for respondents 2 and 3.

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

17th June, 2015.

P.C.

The petitioners challenge the order passed by the Additional Collector, Pune on 13th February, 2015 on objections submitted in respect of formation of ward for holding election for Gram Panchayat, Chinchoshi, Tal Khed, District Pune.

2. Learned Counsel for the petitioners submits that after the hearing was concluded, the Additional Collector considered a report submitted by Circle Officer in respect of the spot inspection relating to situation of houses, residence of persons etc. of the concerned village. It is further

submitted that the petitioner ought to have been given a copy of the said report so that appropriate remarks could have been made on the said report. The petitioners are prejudiced as according to them the Additional Collector should have provided a copy of the said report to them.

3. Learned Counsel appearing for the State and the State Election Commission submits that in the general election held in the year 2010, the residential houses of Bodake and Nikam family were shown in the ward no.2. The impugned order was passed in accordance with material placed before the concerned authorities.

4. In spite of service, respondents nos. 5 and 6 have remained absent. We are informed that so far elections are not declared to constitute the Gram Panchayat of the said village. We are convinced to accept the submissions advanced by learned Counsel appearing for the petitioner that the report of the Circle Officer ought to have been made available to the petitioner and after hearing the petitioner the Additional Collector should have proceeded further to pass appropriate orders on merits. After the matter was closed for orders, the report was submitted before the Additional Collector. We find that this lapse has caused prejudice to the petitioners. The Additional Collector ought to have observed fairness

and transparency while deciding the issue.

5. In this view of the matter, we are inclined to remand the matter back to the Collector for a fresh hearing on the objections raised before him by the concerned parties.

6. The impugned order Exhibit I is set aside. The matter is remanded back to the Additional Collector. The parties to remain present before the Additional Collector on 25th June, 2015. The Additional Collector shall hear the parties after supplying the necessary copies to the contesting parties. The Collector shall pass a brief and reasoned order as expeditiously as possible, on its own merits.

7. With aforesaid observations and directions, writ petition is disposed of.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)