

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12315 OF 2016
(Vijaykumar Sudhakar Thite Vs. Maharashtra State
Election Commission through its Commissioner, Mumbai and
others)

Mr. Santosh B. Gastgar, Advocate for the Petitioner
Mr. S.T. Shelke, Advocate for respondent No. 1
Mr. Y.G. Gujrathi, A.G.P. for the respondent Nos.2 to 5

CORAM : R.M. BORDE AND
SANGITRAO S. PATIL, JJ.

DATE : 15th December, 2016

PER COURT :

Heard.

2. The petitioner is objecting to the order passed by respondent No. 2 – the Divisional Commissioner, Aurangabad, rejecting the objection raised by him in respect of delimitation of wards.

3. The petitioner contends that villages Malgi and Malgiwadi ought to be included in Diggi Panchayat Samiti block since such inclusion will lead to geographical continuity. The directions to include these villages in a given block is violative of the guidelines issued in respect of delimitation of wards by the State Election

Commission as well as the Rules governing the issue.

4. It is observed by the Divisional Commissioner in his order that exclusion of these villages from Turori block is likely to reduce the population of the block. The average population of a block is required to be maintained above 11,000 and the guideline in respect of maintaining of the population of a block would be given go-bye in accepting the proposal of the petitioner.

5. Considering the reasons set out by the Divisional Commissioner in the impugned order, we are of the view that no interference is called for. Apart from this, there would be no substantive prejudice to the petitioner since the right to exercise franchise is not in any way affected. In exercise of extraordinary jurisdiction conferred upon this Court under Article 226 of the Constitution of India, no interference is called for in the ongoing process of election. The Writ Petition is devoid of substance and stands rejected.

[SANGITRAO S. PATIL]

JUDGE

npj/wp12315-2016

[R.M. BORDE]

JUDGE