

IN THE COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR

**WRIT PETITION NO.3277 /2016**

(Shri Dattatraya Kerba Kamble vs. The principal Secretary, Department of Rural Development and Water Conservation Deptt. And others )

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
of directions and Registrar's orders

Court's or Judge's order

.....  
Mr. S.D.Malke, Advocate for the petitioner  
Mr. Vishal Gangane, Assistant Government Pleader for Respondent Nos.  
1 to 3

CORAM : SMT. VASANTI A.NAIK &  
MRS.SWAPNA JOSHI, JJ.

DATED : 14<sup>th</sup> June, 2016

Heard.

By this Writ Petition, the petitioner challenges the order of the Department of Rural Development and Water Conservation of the State Government, dated 14<sup>th</sup> March, 2016 informing the petitioner that Gram Panchayat, Pudiyalmohda cannot be bifurcated or divided into two, at this stage.

On hearing the learned counsel for the parties and on a perusal of the documents annexed to the Writ Petition, it appears that the relief sought by the petitioner cannot be granted. The elections to Gram Panchayat, Pudiyalmohda are scheduled on 20<sup>th</sup> June, 2016. The petition appears to have been filed with a view to stall the Gram Panchayat elections. The petitioner has challenged the order

dated 14<sup>th</sup> March 2016 by filing the petition on 09.06.2016, when the elections are scheduled on 20.06.2016. In view of the order of the State Election Commission dated 27.1.2005 that is annexed to the Writ Petition at Annexure 3, the division of Gram Panchayats cannot be effected in such circumstances. It is observed in the order dated 27.1.2005 that the process of conducting the election starts at least six months before the elections and, in such circumstances, there cannot be an amalgamation or division of villages. Also, we find that the representation of the petitioner and some other villagers is not rejected by the State Government and the same is only returned back on the ground that the division of the village cannot be made at this stage.

Since no case is made out by the petitioner for grant of the relief claimed, the Writ Petition is dismissed with no order as to costs.

**JUDGE**

**JUDGE**

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