

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 00154 of 2017

District : Nanded

Punjabrao s/o. Shrihari Wadje
Patil,
Aged : 51 years,
Occupation : Business,
R/o. Masalga, Taluka Kandhar,
District Nanded.

.. Petitioner.

versus

1. The State of Maharashtra,
Through the Secretary to the
Government of Maharashtra in
Rural Development Department,
Mantralaya, Fort, Mumbai - 32.

2. The State Election Commission,
Maharashtra State,
Through the Chief Election
Commission,
1st Floor,
New Administrative Building,
Madam Cama Marg, Hutatma
Rajguru Chowk,
Mumbai - 400 032.

3. The Divisional Commissioner,
Aurangabad Division,
Aurangabad.

4. The Collector,
Nanded.

.. Respondents.

.....

*Mr. Chandrakant V. Thombre, Advocate, for the
petitioner.*

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

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With

Writ Petition No. 11214 of 2016

District : Ahmednagar

1. Arun s/o. Shankar Dokhe,
Age : 42 years,
Occupation : Agriculture,
R/o. Pohegaon,
Taluka Kopargaon,
District Ahmednagar.
2. Nitin s/o. Bhanudas Autade,
Age : 50 years,
Occupation : Agriculture &
Social Work,
R/o. Pohegaon,
Taluka Kopargaon,
District Ahmednagar.

.. Petitioners.

versus

1. The State of Maharashtra,
Through the Secretary,
Rural Development Department,
Maharashtra State,
Mantralaya, Mumbai - 32.
2. The State Election Commission,
Maharashtra State,
Through the Chief Election
Commissioner,
1st Floor,
New Administrative Building,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai - 400 032.
3. The Divisional Commissioner,
Nashik Division, Nashik.
4. The Collector,
Ahmednagar.

.. Respondents.

.....

Mr. B.M. Dhanure, Advocate, for the petitioners.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

.....

With

Writ Petition No. 11218 of 2016

District : Nanded

Shivraj s/o. Bhaurao Pawar (Patil),
Age : 42 years,
Occupation : Agriculture,
R/o. Hotala, Taluka Naigaon,
District Nanded.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai - 32.

2. The State Election Commission,
Maharashtra State,
through its Commissioner,
New Administrative Building,
Hutatma Rajguru Chowk,
Madam Cama Marg,
Mumbai - 400 032.

3. District Collector, Nanded,
District Nanded.

4. Divisional Commissioner,
Aurangabad Division,
Aurangabad.

.. Respondents.

.....

*Mr. Mahesh S. Deshmukh, Advocate, for the
petitioner.*

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

.....

With

Writ Petition No. 11543 of 2016

District : Ahmednagar

Vitthalrao s/o. Shivram Shinde,
Age : 50 years,
Occupation : Agriculture,
R/o. Rahimpur, A/P. Jorve,
Taluka Sangamner,
District Ahmednagar.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai - 32.

2. The District Collector,
Ahmednagar, Dist. Ahmednagar.

3. The Divisional Commissioner,
Nashik Division, Nashik.

4. The State Election Commission,
New Administrative Building,
Infront of Mantralaya,
Madam Cama Road,
Mumbai - 400 032,
Through its Chief Election
Commissioner.

.. Respondents.

.....

Mr. Satyajeeet S. Dixit, Advocate, for the petitioner.

Mrs. A.V. Gondhalekar, Asst. Government Pleader,

for respondent nos.01 to 03.

Mr. S.T. Shelke, Advocate, for respondent no.04.

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With

Writ Petition No. 11611 of 2016

District : Jalgaon

Arjun Ratnasingh Jadhav,
Age : 55 years,
Occupation : Agriculture,
R/o. Pal, Taluka Raver,
District Jalgaon.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Rural Development
Ministry, Mantralaya, Mumbai.

2. The Collector, Jalgaon,
District Jalgaon.

3. The Tahsildar, Raver,
District Jalgaon.

4. The State Election Commission,
Through its Commissioner,
New Administrative Building,
Madam Cama Road, Mumbai.

.. Respondents.

.....

Mr. Sanket S. Kulkarni, Advocate, for the petitioner.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01 to 03.*

Mr. S.T. Shelke, Advocate, for respondent no.04.

.....

With

Writ Petition No. 11826 of 2016

District : Ahmednagar

1. Gorakshnath s/o. Manohar Kadam,
Age : 49 years,
Occupation : Agriculture &
Business,
R/o. Manjarsumba,
Taluka Nagar,
District Ahmednagar.

2. Kailash s/o. Shivaji Pathare,
Age : 48 years,
Occupation : Agriculture,
R/o. Dongargan,
Taluka Nagar,
District Ahmednagar.

.. Petitioners.

versus

1. The State of Maharashtra,
Through the Secretary,
Rural Development Department,
Maharashtra State,
Mantralaya, Mumbai - 32.

2. The State Election Commission,
Maharashtra State,
Through the Chief Election
Commissioner, 1st Floor,
New Administrative Building,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai - 400 032.

3. The Divisional Commissioner,
Nashik Division, Nashik.

4. The Collector,
Ahmednagar.

.. Respondents.

.....

Mr. N.V. Gaware, Advocate, for the petitioners.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

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With

Writ Petition No. 12016 of 2016

District : Ahmednagar

Ramesh s/o. Rangnath Deshmukh,
Age : 45 years,
Occupation : Agriculture,
R/o. Nimblak,
Taluka & Dist. Ahmednagar.

.. Petitioner.

versus

1. The State of Maharashtra,
Through the Secretary,
Rural Development Department,
Maharashtra State,
Mantralaya, Mumbai - 32.

2. The State Election Commission,
Maharashtra State,
Through the Chief Election
Commissioner, 1st Floor,
New Administrative Building,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai - 400 032.

3. The Divisional Commissioner,
Nashik Division, Nashik.

4. The Collector,
Ahmednagar.

.. Respondents.

.....

Mr. N.V. Gaware, Advocate, for the petitioner.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

.....

With**Writ Petition No. 12155 of 2016**

District : Ahmednagar

Tukaram s/o. Appaji Darekar,
 Age : 66 years,
 Occupation : Agriculture &
 Social Work,
 R/o. Shrigonda,
 Taluka Shrigonda,
 District Ahmednagar.

.. Petitioner.

versus

1. The State of Maharashtra,
 Through the Secretary,
 Rural Development Department,
 Maharashtra State,
 Mantralaya, Mumbai - 32.

2. The State Election Commission,
 Maharashtra State,
 Through the Chief Election
 Commissioner, 1st Floor,
 New Administrative Building,
 Madam Cama Marg,
 Hutatma Rajguru Chowk,
 Mumbai - 400 032.

3. The Divisional Commissioner,
 Nashik Division, Nashik.

4. The Collector,
 Ahmednagar.

.. Respondents.

.....

Mr. N.V. Gaware, Advocate, for the petitioner.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
 for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

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With

Writ Petition No. 12186 of 2016

District : Beed

1. Parmeshwar Zumbar Mhaske,
Age : 33 years,
Occupation : Agriculture,
R/o. Rakshasbhuvan,
Taluka & District Beed.
2. Savitribai Yashwantrao Gade,
Age : 56 years,
Occupation : Agriculture &
Household And Sarpanch of village
Group Grampanchayat,
village Rakshasbhuvan,
Taluka & Dist. Beed. .. Petitioners.

versus

1. The State of Maharashtra,
Through the Secretary,
Rural Development Department,
Maharashtra State,
Mantralaya, Mumbai - 32.
2. The State Election Commission,
Maharashtra State,
Through the Chief Election
Commissioner, 1st Floor,
New Administrative Building,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai - 400 032.
3. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
4. The Collector,
Beed.
5. Sujit s/o. Shamsundar Padule,
Age : 24 years,
Occupation : Business,
R/o. Aurangapur, Post Kurla,
Taluka & District Beed. .. Respondents.

.....

Mr. N.L. Jadhav, Advocate, for the petitioners.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

Mr. S.S. Thombre, Advocate, for respondent no.05.

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With

Writ Petition No. 12187 of 2016

District : Aurangabad

Daulat s/o. Chaganrao Shejul Patil,
Age : 41 years,
Occupation : Agriculture &
Social Work,
R/o. Anjandoh,
Taluka & District Aurangabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through the Secretary,
Rural Development Department,
Maharashtra State,
Mantralaya, Mumbai - 32.
2. The State Election Commission,
Maharashtra State,
Through the Chief Election
Commissioner, 1st Floor,
New Administrative Building,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai - 400 032.
3. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
4. The Collector,
Aurangabad.

.. Respondents.

.....

Mr. N.V. Gaware, Advocate, for the petitioner.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

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With

Writ Petition No. 12302 of 2016

District : Hingoli

1. Abhijeet s/o. Dileeprao Deshmukh,
Age : 36 years,
Occupation : Agriculture,
R/o. Dongargaon (Pul),
Taluka Kalamnuri,
District Hingoli.
2. Shivprasad s/o. Sambhaji Bengar,
Age : 44 years,
Occupation : Agriculture,
R/o. Sapli, Taluka Kalamnuri,
District Hingoli.
3. Shivaji s/o. Sonbarao Hake,
Age : 48 years,
Occupation : Agriculture,
R/o. Nimtok,
Taluka Kalamnuri,
District Hingoli.
4. Sanjay s/o. Gangadhar Dhanve,
Age : 30 years,
Occupation : Agriculture,
R/o. Baur,
Taluka Kalamnuri,
District Hingoli.

.. Petitioners.

versus

1. The State of Maharashtra.

2. The State Election Commission,
Through its Chief Election
Commissioner,
New Administrative Bhawan,
Madam Cama Road,
Hutatma Rajguru Chowk,
Mumbai - 400 032.

3. The Divisional Commissioner,
Aurangabad Division,
Aurangabad.

4. The Collector,
Hingoli.

.. Respondents.

.....

*Mr. Milind M. Patil (Beedkar), Advocate, for the
petitioners.*

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

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With

Writ Petition No. 12377 of 2016

District : Osmanabad

1. Dattatraya s/o. Rangnath Jagtap,
Age : 49 years,
Occupation : Agriculture,
R/o. Kasbe Tadawle,
Taluka & District Osmanabad.

2. Kondappa s/o. Sadashiv Kore,
Age : 76 years,
Occupation : Social Work,
R/o. Kasbe Tadwle,
Taluka & Dist. Osmanabad.

.. Petitioners.

versus

1. The State of Maharashtra,
Through Principal Secretary,

Rural Development Department,
Mantralaya, Mumbai - 32.

2. The State Election Commissioner,
State Election Commission of
Maharashtra State, Mumbai.
3. The Divisional Commissioner,
Office of Divisional Commissioner,
Aurangabad.
4. The Collector, Osmanabad,
Collector Office, Osmanabad. .. Respondents.

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Mr. R.V. Naiknavare, Advocate, for the petitioners.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

.....

With

Writ Petition No. 12403 of 2016

District : Beed

Shaikh Maheboob Ibrahim,
Age : 28 years,
Occupation : Agriculture,
R/o. Shirur (Kasar),
Taluka Shirur Kasar,
District Beed.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Rural Development Dept.,
Mantralaya, Mumbai - 400 032.
2. The State of Maharashtra,
Through Divisional Commissioner,
Aurangabad.

3. The District Collector, Beed,
District Beed.
 4. The State Election Commission,
New Administrative Building,
First Floor, Opp. Mantralaya,
Mumbai - 400 032.
 5. The Divisional Commissioner,
Aurangabad Division,
Aurangabad.
 6. The Chief Officer,
Nagar Panchayat, Shirur Kasar,
Taluka Shirur Kasar,
District Beed.
- .. Respondents.

.....

Mr. G.K. Thigle (Naik), Advocate, for the petitioner.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01 to 03 and 05.*

Mr. S.T. Shelke, Advocate, for respondent no.04.

Respondent no.06 served (Absent).

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With

Writ Petition No. 12408 of 2016

District : Ahmednagar

Pravin s/o. Pandurang Kokate,
Age : 32 years,
Occupation : Agriculturist,
R/o. Village Chichondi Patil,
Taluka Nagar,
District Ahmednagar.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai - 32.

2. The State Election Commission,
Maharashtra State,
Through the Chief Election
Commissioner,
1st Floor,
New Administrative Building,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai - 400 032.
3. The Divisional Commissioner,
Nashik Division, Nashik.
4. The District Collector,
Ahmednagar. .. Respondents.

.....

Mr. V.H. Dighe,, Advocate, for the petitioner.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

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With

Writ Petition No. 12510 of 2016

District : Jalgaon

1. Amol Yogiraj Thombre,
Age : 45 years,
Occupation : Agriculture.
2. Shivaji Bhimrao Gethe,
Age : 40 years,
Occupation : Agriculture.
3. Ramchandra Dalwant Khaire,
Age : 35 years,
Occupation : Agriculture.
4. Vinod Bhagwat Gadekar,
Age : 52 years,
Occupation : Agriculture.

All R/o. Chinchkheda (Tawa),
Taluka Jamner,
District Jalgaon.

.. Petitioners.

versus

1. State Election Commission,
Maharashtra State,
Through its Commissioner,
New Administrative Building,
Opp. Mantralaya,
Madam Cama Road,
Mumbai - 32.

2. Divisional Commissioner,
Nashik Division, Nashik.

3. District Collector,
Jalgaon, Dist. Jalgaon.

4. Tahsildar, Jamner,
Dist. Jalgaon.

5. Amit Mahesh Deshmukh,
Age : 25 years,
Occupation : Agriculture,
R/o. Wakod,
Taluka Jamner,
Dist. Jalgaon.

.. Respondents.

.....

Mr. Mahesh S. Deshmukh, Advocate, for the petitioners.

Mr. S.T. Shelke, Advocate, for respondent no.01.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.02 to 04.*

Respondent no.05 served (Absent).

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With

Writ Petition No. 12521 of 2016

District : Beed

Rajesh s/o. Bapurao Ghungrad,
Age : 42 years,
Occupation : Agriculture,
R/o. Nimgaon (Mayamba),
Taluka Shirur (Kasar),
District Beed.

.. Petitioner.

versus

1. The State of Maharashtra,
Through the Secretary,
Rural Development Department,
Maharashtra State,
Mantralaya, Mumbai - 32.

2. The State Election Commission,
Maharashtra State,
Through the Chief Election
Commissioner, 1st Floor,
New Administrative Building,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai - 400 032.

3. The Divisional Commissioner,
Aurangabad Division,
Aurangabad.

4. The Collector,
Beed.

5. Prakash Mahadeo Khedkar,
Age : 44 years,
Occupation : Agriculture,
R/o. Ghatshilparagaon,
Taluka Shirur Kasar,
District Beed.

.. Respondents.

.....

Mr. N.L. Jadhav, Advocate, for the petitioner.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

Mr. S.S. Thombre, Advocate, for respondent no.05.

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With

Writ Petition No. 12766 of 2016

District : Beed

1. Prakash s/o. Dadarao Surwase,
Age : 62 years,
Occupation : Agriculture,
R/o. Georai, Taluka Georai,
District Beed.

2. Shaikh Minaz Shaikh Rahim,
Age : 28 years,
Occupation : Agriculture,
R/o. Nandapur,
Taluka Georai,
District Beed.

.. Petitioners.

versus

1. The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai - 32.

2. The Commissioner,
Aurangabad Division,
Aurangabad.

3. The Collector, Beed,
District Beed.

4. The Tahsildar,
Tahsil Office, Georai,
Taluka Georai,
District Beed.

5. The State Election Commission,
State of Maharashtra.

.. Respondents.

.....

Mr. V.S. Bedre, Advocate, for the petitioners.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01 to 04.*

Mr. S.T. Shelke, Advocate, for respondent no.05.

.....

With

Writ Petition No. 00038 of 2017

District : Latur

Ramesh s/o. Gunderao Mogarge,
Age : 31 years,
Occupation : Social Work &
Agriculture,
R/o. Shend, Taluka Nilanga,
District Latur.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai - 32.
 2. The State Election Commission,
Maharashtra State,
New Administrative Building,
Hutatma Rajguru Chowk,
Cama Road, Mumbai - 400 032.
 3. The Divisional Commissioner,
Aurangabad Division, Aurangabad.
 4. The District Collector
And Election Officer,
For Zilla Parishad Elections,
Latur, Taluka & Dist. Latur.
- .. Respondents.

.....

Mr. S.G. Rudrawar, Advocate, for the petitioner.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

.....

With

Writ Petition No. 00070 of 2017

District : Aurangabad

Sandip s/o. Tatyarao Patil,
Age : 40 years,
Occupation : Service,
R/o. At Takali (Antur),
Taluka Kannad,
District Aurangabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. The State Election Commission,
New Administrative Building,
First Floor, Opp. Mantralaya,
Mumbai.
3. The Divisional Commissioner,
Aurangabad.
4. The District Collector,
Aurangabad.
5. Zilla Parishad, Aurangabad,
Through Chief Executive
Officer,
Aurangabad.

.. Respondents.

.....

Mr. C.R. Thorat, Advocate, for the petitioner.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

.....

With

Writ Petition No. 00336 of 2017

District : Aurangabad

Dr. Arun s/o. Bhimrao Rathod,
Age : 55 years,
Occupation : Agriculture,
R/o. Parundi Tanda,
Taluka Paithan,
District Aurangabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai.

2. The State Election Commission,
New Administrative Building,
First Floor, Opp. Mantralaya,
Mumbai.

3. The Divisional Commissioner,
Aurangabad.

4. The District Collector,
Aurangabad.

5. Zilla Parishad, Aurangabad,
Through Chief Executive
Officer,
Aurangabad.

.. Respondents.

.....

Mr. Kiran D. Jadhav, Advocate, for the petitioner.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04.*

Mr. S.T. Shelke, Advocate, for respondent no.02.

.....

With

Writ Petition No. 00666 of 2017

District : Latur

1. Virendra s/o. Tanaji Sakolkar,
Age : 38 years,
Occupation : Legal Practitioner,
R/o. Devarjan, Taluka Udgir,
District Latur.
 2. Anilkumar s/o. Veerbhan Pawar,
Age : 47 years,
Occupation : Service,
R/o. Mellapur,
Taluka Udgir, Dist. Latur.
- .. Petitioners.

versus

1. The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai - 32.
 2. The State Election Commission
of Maharashtra State,
new Administrative Building,
Hutatma Rajguru Chowk,
Cama Road, Mumbai - 400 032.
 3. The Divisional Commissioner,
Aurangabad Division,
Aurangabad.
 4. The District Collector
And Election Officer,
For Zilla Parishad Elections,
Latur, Taluka & Dist. Latur.
- .. Respondents.

.....

Mr. P.G. Rodge, Advocate, for the petitioners.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01, 03 and 04*

Mr. S.T. Shelke, Advocate, for respondent no.02.

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**CORAM : V.M. KANADE &
SANGITRAO S. PATIL, JJ.**

**Dictated & pronounced
in open Court.**

DATE : 16TH JANUARY 2017

ORAL JUDGMENT (Per V.M. Kanade, J.) :

Heard the learned Counsel appearing on behalf of respective petitioners. Also heard the learned Asst. Government Pleader appearing on behalf of the State & its authorities and the learned Counsel appearing on behalf of the State Election Commission.

02. In some of the petitions, Rule is already issued. In remaining petitions, Rule and Rule is made returnable forthwith.

03. In all these petitions, petitioners have challenged the delimitation of zone on various grounds. The process of delimitation has commenced. The Collector published the proposed formation of electoral divisions and reservation of seats. The Collector received certain objections against the proposed formation of electoral divisions and reservation of seats. He submitted the proposals to

the Divisional Commissioner along with his opinion for taking into consideration objections raised by various persons. The Divisional Commissioner, after proposals were received from the Collector, passed a detailed and final order in each individual case and direction was given for preparation of final delimitation plan as also declaration of reservation of seats.

04. Under Section 12 of the Maharashtra Zilla Parishads & Panchayat Samitis Act, 1961 [For short, hereinafter referred to as "Act of 1961"], the Collector has to divide every district into electoral divisions. The procedure for dividing the district into electoral divisions is mentioned in Section 12 of the Act of 1961. Clause 2(a) reveals that guidelines have been prepared by the State Election Commission for the purpose of reservation of certain seats and creation of electoral divisions. Accordingly, pursuant to the said guidelines, the Collector prepared plan. The provision mandates that the Collector shall submit the proposal to the Divisional Commissioner for approval along with the objections, if any, raised against the said proposal with his opinion thereon. The Divisional Commissioner has to consider the proposals of the Collector and by giving reasons, pass a final order.

05. Grievance of the petitioners is that firstly, the Divisional Commissioner did not give hearing to the petitioners. Secondly, it is

submitted that proper reasons have not been given for the objections which are raised. Thirdly, it is submitted that the mandatory provision pertaining to reservation of seats also has not been considered and fourthly, it is submitted that the guidelines / directions given by the State Election Commission also have not been followed. It is submitted that the matter be sent back to the Divisional Commissioner with a direction to give hearing to the petitioners, thereafter decide the proposals given by the Collector and after giving hearing to the petitioners who have raised objections, the Divisional Commissioner may pass final order.

06. We have heard the learned Counsel appearing for respective parties at length and perused the detail affidavit in reply filed by the Divisional Commissioner.

07. The learned Asst. Government Pleader appearing on behalf of the State submitted that the petitioners cannot challenge the decision of the Divisional Commissioner in view of the bar imposed under Article 243-O of the Constitution of India. He also relied on the judgment of the Apex Court in the case of ***State of Uttar Pradesh Vs. Pradhan Sangh Kshettra Samiti*** [1995 (Supp.2) SCC 305].

08. Section 12 of the Act of 1961 lays down that the State Election Commission has to divide every District into electoral divisions. The State

Election Commission has to prepare guidelines for the purpose of manner in which the said thing is to be done. It is not necessary to re-produce either Section 12 or the guidelines which are prepared by the State Election Commission. Perusal of the said guidelines and Section 12 of the Act of 1961 clearly reveals that this is done for administrative purposes so that elections can be held in accordance with the Rules and provisions by dividing the District into electoral divisions. Individual voters or persons who are interested in contesting elections cannot raise objections that in a particular electoral division, certain villages be removed and the same be attached to some other electoral division on account of the reason that prejudice would be caused to the persons who are contesting the election or voters.

09. The learned Counsel appearing on behalf of the State Election Commission has rightly invited our attention to the judgment of Division Bench of this Court in the case of **Jadhav Shankar Dyandeo & another Vs. Collector, Satara and another** [2010(6) Mh.L.J. 109]. The Division Bench of this Court after relying on judgment of the Apex Court in the case of **Uttar Pradesh Vs. Pradhan Sangh Kshettra Samiti (supra)**, has held that in view of Article 243-O of the Constitution of India, delimitation of Panchayat area / constituencies determined by the authorities is not open to judicial scrutiny. The Division Bench of this Court observed in para 09 of the judgment as under :-

" Counsel for the respondent No.2 further contended that the challenge in the present petition is to the "formation of wards" in Panchayat elections. In other words petition challenges the delimitation of Panchayat area / constituencies determined by the authorities and therefore in view of provisions of Article 243-0, it is well settled that the delimitation of Panchayat area or constituencies in the said area are not open to judicial scrutiny. In order to substantiate the said contention, reliance is placed on the decision of the Apex Court in the case of *State of Uttar Pradesh vs. Pradhan Sangh Kshettra Samiti, 1995 (Supp.2) SCC 305*. The challenge can be entertained by the Court only on the ground that before delimitation, no objections were invited and no hearing was given. It is submitted that in the present case admittedly the objections were invited. Petitioners had raised their objections and after hearing them the objections were turned down by the Collector Satara by recording reasons and therefore impugned order is sustainable in law. "

10. We have perused the reasoned orders passed by the Divisional Commissioner. The Divisional Commissioner has passed well reasoned orders and has given reasons why in some cases he has not accepted proposals given by the Collector and also considered the objections of the objectors. It cannot be said that the exercise done by the Divisional Commissioner is arbitrary.

11. Taking into consideration all these aspects and in view of the specific bar under Article 243-O of the Constitution of India, we are of the view that no case is made out for interference with the orders passed by the Divisional Commissioner.

12. In the result, petitions fail and same are dismissed. Rule discharged. In the circumstances, parties shall bear their own costs.

(Sangitrao S. Patil)
JUDGE

(V.M. Kanade)
JUDGE

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