

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

WRIT PETITION NO. 2519 OF 2017

Utkarsha Saunsukritik Kala & Krida
Mandal & anr.

... Petitioners

V/s.

Maharashtra State Election Commission
& anr.

... Respondents

Mr. S.S. Patwardhan for the petitioners.

Mr. S.B. Shetye for State Election Commission.
Mr. S.S. Aradhye for respondent no.2 Corporation.
Ms. R.A. Salunke, AGP for the State.

**CORAM : NARESH H. PATIL AND
M.S. KARNIK, JJ.**

14th March, 2017.

P.C.

Learned Counsel appearing for the petitioners submits that petitioners submitted written objections dated 13th January, 2017 to the appropriate authority to the Draft Ward formation of the Panvel Municipal Corporation. The specific issues raised by the petitioners were not

considered by the concerned authority. The issue relates to formation of Ward No.17. It was submitted that guidelines 4.5, 4.6, 4.7 framed by the Election Commissioner were not followed. A Railway line passes through one of the wards which would cause inconvenience to the people residing in the area. It would be difficult to contact their elected representatives. Geographical connectivity as prescribed by the guidelines was not followed which makes the draft formation defective and contrary to the guidelines framed by the State Election Commission and against the interest of the people residing in the subject wards.

2. Learned Counsel appearing for the Election Commission submitted that the appropriate authority had taken note of the specific objections raised by the petitioners and accordingly dealt with the same. Learned Counsel further placed reliance on the affidavit-in-reply filed in the petition. In paragraph-8 of the affidavit-in-reply the deponent Dr. Sudhakar Shinde, Commissioner, Panvel Municipal Corporation contended as under:-

“ I say that that the aforesaid objections are not well founded as the respondents have duly followed the orders/guidelines issued by the State Election

Commission dated 20th August, 2016 and the formation of the said Ward Nos. 17 and 20 is pursuant to the provisions of clause Nos. 4.5, 4.6 and 4.7 of the aforesaid guidelines. I further say and submit that the population of ward No. 20 is 21,400 and the same is 3 member's ward. It is submitted that as per the objection, the population of Podi Nos. 1, 2, 3, Bhujbal Mala to 15 and 16 is 4964. If the contention of the Petitioner/objectors is accepted and if the said population of 4964 is reduced from ward No. 20, the population will be 16,436. Since the said ward No.20 is 3 member's ward, the minimum population will be 17,651 and maximum population will be 21,753. Hence, the contentions/objections of the Petitioner cannot be accepted. If the second demand/contention of the Petitioner are accepted and if Western Portion of Central Railway Line of ward No. 17 is attached to ward No.20, the population of ward No. 17 will be $28,510 - 6368 = 22,142$. The said ward is 4 member's ward, hence, minimum population required is 23,534 and maximum population required will be 28,764. Therefore, the said contentions also cannot be accepted."

3. We have perused the record placed before us, and the remarks of the concerned authority who dealt with the objections. We find that the

concerned authority has taken into consideration the objections raised by the petitioners. The authority was convinced that the guidelines 4.6 and 4.7 were followed. Enumeration Blocks were not bifurcated. Neither any building, chawl was divided for the purpose of formation of Ward. The exercise of formation of ward was supervised by the concerned Divisional Commissioner. The geographical connectivity was followed as far as possible.

4. We find that as far as possible the State Election Commission had formed the wards according to guidelines. It may happen in a given situation in a ward where railway line, national highway, rivers, nalas pass through such wards, the people residing in those wards may face some inconvenience. We expect that the State Election Commission must be taking care, keeping in view the guidelines and the convenience of the residents.

5. In exercise of our writ jurisdiction we find that no interference is warranted in the notification of final ward formation for Panvel Municipal Corporation. We are informed that the Panvel Municipal Corporation was constituted recently and this is the first election of the said Corporation. In some cases one ward would send four elected members. By and large

population ratio was maintained accordingly. Taking into consideration all the attending facets of the matter, we are not inclined to interfere in the petition. Writ Petition is rejected.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.