

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

WRIT PETITION NO. 2669 OF 2017

Mr. Parvez Ishaq Khan ... Petitioner

V/s.

State Election Commission & ors. ... Respondents

WITH
WRIT PETITION NO. 2821 OF 2017

Mrs. Nirmala D. Mhatre ... Petitioner

V/s.

State Election Commission & ors. ... Respondents

WITH
WRIT PETITION NO. 2516 OF 2017

Juber A. Rajjak Pittu & anr. ... Petitioner

V/s.

State Election Commission & ors. ... Respondents

WITH
WRIT PETITION NO. 2520 OF 2017

Ganesh Atmaram Patil ... Petitioner

V/s.

State Election Commission,
Maharashtra & ors.

... Respondents

Mr. Rafiq A. Shaikh for the petitioner in wp 2821/17.
Mr. S.S. Redij for the petitioner in wp 2516/17 AND 2520/17.
Mr. S.K. Shinde i/b. Ms. Tanaya D. Goswami for the petitioner in wp 2669/17.

Mr. S.B. Shetye for respondent no.1 in all the matters.
Mr. S.S. Aradhye for respondent no.2 in all the matters.
Ms. R.A. Salunkhe, AGP for the State in all the matters.

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

14th March, 2017.

P.C.

The petitioner challenges notification of ward formation issued by the State Election Commission dated 17th February, 2017. Learned Counsel Mr. Shinde appearing for petitioner in Writ Petition No.2669/2017 submitted that petitioner had tendered a written objection dated 18th January, 2017 with the concerned officer which is annexed at Exhibit A. In the said written objection, the issue was raised relating to violation of guidelines 4.6, 4.7 and 4.8 framed by the State Election Commission. Learned Counsel submits that geographical continuity was not followed.

The convenience of the voters residing in the ward was not seen. The Blocks Nos. 289/1, 289/2 and 291 were wrongly included in Ward No.18 which should have been part of Ward no.14. It is not known as to whether objections raised by the petitioner were dealt with by the concerned officer as no order on the objections raised has been passed. to the knowledge of the petitioner.

2. Learned Counsel appearing for State Election Commission submits that this is the first election being held after formation of Panvel Municipal Corporation. In some constituencies four members from one Ward have been elected. By and large the average population carved out in a Ward where four members are to contest comes to 26,149 and in the rest of the Wards the average population ratio was determined to be 19,612. Learned Counsel submits that geographical continuity was maintained while forming Wards. The objections raised by the petitioner were vague but still they were taken into consideration. Learned Counsel placed before us the Summary of the notings and remarks made by the concerned officer while dealing with these objections.

3. Learned Counsel appearing for the petitioner in Writ Petition No. 2821/2017 supported the contentions raised by learned Counsel Mr.

Shinde. It is further submitted that geographical continuity was not maintained and national highway passes through Ward No.14 which would cause inconvenience to the voters. It would be difficult for the voters to meet their elected representative. Learned Counsel referred to objections raised in this behalf by the petitioners.

4. Learned Counsel appearing for petitioners in Writ Petition No.2516/2017 submits that they had raised specific objection in respect of Ward formation of Ward No. 14 and 18. Exhibit A is an objection submitted by petitioners. According to learned Counsel both these objections were forwarded and presented to the concerned officer. It is submitted that the Ward formation was done without taking into consideration the geographical connectivity, convenience of people.

5. Learned Counsel appearing for the Election Commission placed reliance on the affidavits filed in these petitions. In Paragraph-8 of the affidavit in Writ Petition No.2669/2017 the deponent Dr. Sudhakar Shinde, Commissioner, Panvel Municipal Corporation submitted 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. 14 and 18 is pursuant to the provisions of clause Nos. 4.5, 4.6 and 4.7 of the aforesaid guidelines. There is no break up of Enumeration blocks. I say that the earlier in the area of Panvel Municipal Council was 12.17 sq. km. however, after establishment of Panvel Municipal Corporation, the area is increased upto 110.06 sq. km.”

6. It is submitted that geographical conditions and connectivity as well as the population ratio of wards was taken into consideration while forming the wards. The guidelines prescribed in clauses 4.6, 4.7 and 4.8 were followed.

7. We have perused the record placed before us and the affidavit-in-reply filed by the State Election Commission. We find that the objections raised by the petitioner in all the concerned wards were taken into consideration by the said authority of the State Election Commission. The said authority had made remarks against the objection raised by the respective objectors. As far as possible, the State Election Commission had maintained the geographical continuity while forming the wards. On

the issue concerning the compliance of the guidelines framed by the State Election Commission, it was stated on behalf of the State Election Commission that those guidelines were followed while forming wards. This is the first election after formation of the Panvel Municipal Corporation. In some of the wards, it was four member contest from one ward. As far as possible the population ratio was maintained. In exercise of our writ jurisdiction, we would not deal with the issue in respect of convenience of voters in approaching the Corporator or for crossing the highway. Taking into consideration the scope and ambit of writ jurisdiction as regards the judicial review of the proceedings, we are of the view that, in the facts, no interference is warranted. The petitions are accordingly rejected.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.