

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

WRIT PETITION NO. 2705 OF 2017

Govardhan Kamdakar Mhatre ... Petitioner

V/s.

The State Election Commission & ors. ... Respondents

Ms. Sangeeta S. Salvi a/w. Advocate Muzaffar Baig for the petitioner.

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 petitioner submit that petitioners submitted written objections dated 10th 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.14 and 15. 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 petitioner 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. It is submitted that the population of ward No.14 is 28,308. The population of schedule caste is 1163 and schedule tribe

is 782. As per the orders/guidelines issued by the State Election Commission dated 20.8.2016 the process of formation of wards was undertaken from North to North East thereafter East to West and then to South. The geographical continuity was strictly followed along with several other aspects.”

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 petitioner. 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, nallas 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.