

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

WRIT PETITION NO. 12209 OF 2017

Zubair A. Inamdar

... Petitioner.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. Atul G. Damle, Senior Counsel a/w Mr. Sahil Mahajan for the
Petitioner.

Ms. Nisha Mehra, AGP for Respondent No.1

Mr. N.R. Bubna for Respondent Nos. 2 and 3.

....

***CORAM : Smt. Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 13th November, 2017.

P.C. :

By this writ petition, the petitioner has sought a declaration that the action on the part of the respondent No.2 of shifting ward No.9 in wards committee No.4 and ward No.19 in wards committee No.6 while constituting the wards committees by the impugned order dated 16.10.2017, is bad in law.

Mr. Damle, the learned senior counsel appearing for the petitioner submitted that though the Mira-Bhayandar Municipal Corporation had suggested that ward Nos.9 and 19 should be included in ward committee No.5-Mira road (East), by the impugned order dated 16.10.2017 the respondent No.2 has

included ward No.9 in ward committee No.4 and ward No.19 in ward committee No.6. It is stated that ward Nos.9 and 19 contiguous to ward Nos.20, 21 and 22 and the proposal of the Commissioner of the Mira-Bhayandar Municipal Corporation ought to have been accepted by the respondent No.2, in totality. It is submitted that the formation of the ward committees by removal of ward Nos.9 and 19 from ward committee No.5 and their placement in the other ward committees bearing Nos. 4 and 6 is violative of the provisions of Section 29(A) of the Maharashtra Municipal Corporation Act. It is stated that the action on the part of the respondent No.2 to include the said wards in ward committee Nos.4 and 6 is politically motivated.

We are not inclined to grant the relief sought by the petitioner in the instant writ petition. Firstly, the elections to the ward committees are declared and are scheduled on 18.11.2017. It would not be proper for this Court to interfere with the election process at the interlocutory stage. Also, we do not find any merit in the submission made on behalf of the petitioner that the impugned order pertaining to the formation of the ward committees is contrary to the provisions of Section 29(A) of the Maharashtra Municipal Corporation Act. We find on a perusal of the map that is annexed to the writ petition that though ward Nos. 9 and 19 are contiguous to ward Nos.20, 21 and 22, ward No.9 is contiguous to some of the wards that are placed in ward committee No.4. The requirement of maintaining the contiguity between the wards is not breached in so far as the placement of ward No.9 in ward committee No.4 is concerned. Similar is the

case pertaining to the placement of ward No.19 in ward committee No.6. We find that ward No.19 is also contiguous to some of the wards in ward committee No.6. No specific allegations pertaining to malafides are made in the writ petition. Nobody is personally joined as a party respondent to the writ petition and hence the question whether the order of formation of wards is tainted by malafides or is politically motivated cannot be decided in this writ petition.

Since the relief sought by the petitioner cannot be granted in the circumstances of the case, the writ petition is dismissed with no order as to costs.

(Riyaz I. Chagla J)

(Smt. Vasanti A Naik, J)