

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14148 OF 2016

Sau.Kasim Destgir Mulla .. Petitioner
Vs.
The State Election Commission and ors. .. Respondents

Mr.Umesh Mankapure, for the Petitioner.
Mr.N.P. Deshpande, Addl. G.P. for State.
Ms.S.Jadhav i/b Mr.S.B.Shetye, AGP for Respondent No.1.

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

13th JANUARY, 2017

P.C. :

. The petitioner raises issue that villages 'Pandozari' and 'Pardhewasti' are made part of 'Sankh' division. In the earlier ward formation, they are attached to 'Daribadachi' division. Learned Counsel for the petitioner submits that it would be inconvenient for the residents of the villages to be part of 'Sankh' division. The ward formation has not been done in accordance with the guidelines issued by the Election Commission. The respondents No. 3& 4 filed affidavit- in-reply.

In paragraph 10 of the reply, they have explained the circumstances as under :

“I say that as aforesaid Jat Town has been declared as a municipal Council in 2012. The State Election Commission has directed to maintain 9 electoral divisions and 18 electoral colleges out of the remaining area, the authorities were required to adjust the remaining area in such a manner that the required number of electoral divisions and colleges are constituted by maintaining the population equation as explained above. If the earlier arrangement was continued then out of 18 colleges, 14 electoral colleges and out of 9 divisions, 8 electoral divisions were to have more than permissible population. Therefore, the authorities were required to newly constitute the electoral divisions and electoral colleges. For this purpose the authorities adjusted the areas while strictly complying with the directives of the State Election Commission about starting from the northern direction and moving to the southern direction through the northeast, east and west direction. While doing so, the authorities shifted the villages situated on the boundaries of the erstwhile electoral colleges or divisions into the next adjoining electoral divisions or colleges, while maintaining the equation of population as directed by the State Election Commission. Villages Pandozari and Pardhevasti are situated on the boundary of Sankh electoral division. That is why these villages are shifted into Daribadchi electoral division and Tikondi electoral college. Same thing can be said about the villages Tilyal and Lamantanda DB. This is done considering the geographical contiguity of these villages which fulfils the directives of State Election Commission.”

2. We have perused the map placed before us and considered the submissions advanced by the learned Counsel for the parties. It is specifically mentioned by the learned Counsel appearing for the State Election Commission - respondent No.1

that the Election Commission has also declared the election programme of Zilla Parishad in the State of Maharashtra. In the facts no interference is warranted. Writ Petition stands dismissed.

(M.S.KARNIK, J.)

(NARESH H. PATIL, J.)