

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.986 OF 2018

Prashant S/o Shashikant Wagh ... Petitioner.

Versus

The State Election
Commission and others. ... Respondents.

...

Mr.N.V.Gaware, advocate for the petitioner.
Mr.S.G.Karlekar, A.G.P. for the State.
Mr.S.T.Shelke, advocate for Respondent Nos.2 to
4.

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**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 12.02.2018.

PER COURT :

1. Mr.Gaware, learned counsel submits that the petitioner assails the formation of wards, more particularly, Ward Nos.4,5 and 6 for election of Village Panchayat, Puntamba. The learned counsel submits that Rule 5(2) of the Bombay Village Panchayats (Number of Members,

Divisions into Wards and Reservation of Seats) Rules, 1966 has been flouted. There is no publication of notification in the village Chawadi nor at the conspicuous place of the village. The learned counsel submits that the objection raised by the petitioner has been misread by the Collector. The objection of the petitioner was with regard to the Ward formation of Ward Nos.4,5 and 6 and it was never the case of petitioner with regard to Ward Nos.2 and 3. The Collector has wrongly, without application of mind rejected objection of the petitioner.

2. Mr.Shelke, learned counsel submits that considering the topography, the bifurcation of the area by roads the ratio of population has been maintained.

3. It is submitted that today is the last date for filing nomination. The nomination papers are already filed from the respective wards.

4. It appears that the objection of the

petitioner is misread by the Collector, however, Rule 5(2) is substantially followed. The notification was affixed on the notice board. The petitioner had an opportunity to raise objection. We have considered the objection. The sketch of the formation of wards is placed on record. The wards are formed in a way which would be separated by roads and to maintain the continuity.

5. Though the objection does not seem to have been considered in the proper manner by the Collector, however, considering the ward formation and the same is in consonance with the population as per 2011 census and further considering that the last date for filing nomination is over, we are not inclined to entertain the petition.

6. The Writ Petition is disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

