

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

930 WRIT PETITION NO. 8340 OF 2016

SHAIKH MUSEMIYA S/O SHAIKH SALAM MIYA

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Amol S. Gandhi, Advocate for the Petitioner.

Mr. A. V. Deshmukh, AGP for Respondent-State.

Mr. Shivaji T. Shelke, Advocate for the Respondent
No.2.

...

**CORAM : S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATED : 24th OCTOBER, 2018.

PER COURT:-

1. The declaration of the result of Grampanchayat, Nerli dated 4.11.2015 is assailed.

2. Mr. Gandhi, learned counsel for the petitioner submits that the ratio between the number of members to be elected from each ward and the population thereof has not been followed. The reservation has not been properly made. The geographical situation of the village has not been considered. The wards were divided as per the number of houses in the village due to which the voters of the same locality were divided into different wards. The rotation policy of

reservation was also not followed.

3. The notification was published in January 2015. At the relevant time, the same does not appear to have been challenged. It would not be appropriate to accede to the allegations after the persons have participated in the election process and got elected. We would have considered the case of the petitioner, had the petitioner approached this Court challenging the relevant notification prior to the election.

4. In view of the above, writ petition is disposed of. No costs.

(R. G. AVACHAT)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/October-18

Devendra
Nandkumar
Kale

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by Devendra
Nandkumar Kale
Date: 2018.10.25
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