

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5053 OF 2018

Santosh Waman Tandel and Others. ..Petitioners.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. C. G. Gavnekar, Mr. G. S. Hiranandani and Ashutosh Gavnekar for the Petitioner.

Mr. Rishin Mantri i/b S. B. Shetye for Respondent No. 6.

Mrs. M. P. Thakur, AGP for the Respondent-State.

Coram : Ranjit More &
Smt. S. S. Jadhav, JJ.

Date : **April 23, 2018.**

P. C. :

1. Heard. The Petitioner is challenging the formation of wards of village Jasai, taluka Uran, district Raigad for election to grampanchayat for the year 2018. The said village is divided into six wards. The contention of the Petitioner is that area Surang Pada in earlier election was included in Ward No.1, however at the ensuing election, this particular area is separated from Ward No.1 and included in Ward No.6.

2. Under Rule-3 of the Maharashtra Village Panchayats (Number of Members, Divisions into Wards and Reservation of Seats) Rules, 1966, [for short "the said Rules"] the village is required to be divided into suitable number of wards. However, the ratio between number of members to be elected from each wards and the population thereof shall as far as practicable be the same throughout all the wards in a village. Under the proviso to said Rule, the

geographical situation of a village shall be taken into consideration and geographical continuity of the area shall as far as practicable be followed. Under sub-rule (2) of Rule-3 of the said Rules, it is provided that the wards shall be numbered serially in the directions commencing from south, south-west, west, north-west, north, north-east, east and south-east.

3. We have perused the sketch / map of the ward formation. We find that six wards of village Jasai are formed in accordance with the provisions of Rule 3(2) of the said Rules. It is true that part of Surangpada is included in Ward No.6, however, wards are required to be divided taking into consideration the ratio of population. It is not the case of the Petitioner that area Surang-pada is malafidely excluded from Ward No.1 and included in Wards No. 6.

4. In the light of above, we do not find any error in the formation of wards of village Jasai for ensuing village panchayat elections so as to enable us to exercise our jurisdiction under Article 226 of the Constitution of India. In the result, petition fails and the same is accordingly dismissed.

[Smt. S. S. JADHAV, J.]

[RANJIT MORE, J.]