

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

WRIT PETITION NO. 5931 OF 2016

Mr. Rajaram Fulaji Pawar

....Petitioner

V/s.

The Deputy Collector, Election Branch,

Nashik & Ors.

....Respondents

Mr. B.K. Barve a/w. Mr. Sandeep Barve & Mr. Santosh Wagh i/b.

B.K. Barve & Co. for the petitioner.

Mrs. R.M. Shinde, AGP for the State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 14th AUGUST, 2018

P.C.:

. Heard the learned counsels for the respective parties.

2. The petitioner is the resident of the Gram Panchayat Chinchale-Khaire, Taluka-Igatpuri, District-Nashik. Admittedly, this Gram Panchayat falls in the tribal area. The contention of the petitioner is that seven seats are allotted to the petitioner and out of seven seats, there is no representation to the members of Scheduled Caste community in this village.

3. The learned counsel for the petitioner invited our attention to the

application dated 03rd July, 2009 to the Assistant Commissioner, State Election Commission, State of Maharashtra and pointed out that since 2001 no representation is given to the members of the Scheduled Caste Community in this village. After perusal of the said representation/application, we find that total population of the village Chinchale-Khaire in accordance with the census of 2001 was 978 and out of these 978, population of the Scheduled Tribe Community was 926 and there are only 46 people belonging to the Scheduled Caste Community. The learned counsel for the petitioner further contends that the figures of the fresh census which was carried out in the year 2011 are published and population of the Scheduled Caste Community must have been increased. He submit that at least in the election which is scheduled to be held in the year 2019, the representation must be given to the Scheduled Caste Community.

4. In the absence of figures of the population, it is not possible for this Court to intervene with the controversy raised by the petitioner. Facing this difficulty, the learned counsel for the petitioner seeks leave to withdraw this petition with liberty to file representation before the Collector, Nashik. Accordingly, we pass the following order :-

- (i) Leave is granted. Writ Petition stands disposed of as withdrawn.
- (ii) In the event petitioner files the representation, the Collector Nashik shall consider the same and pass appropriate order before the formation of allotment and rotation of seats to the reserved category for 2019 election of the said panchayat.
- (iii) It is made clear that we have not gone into the merits of the petitioner's claim and petitioner's representation shall be decided independently and in accordance with the law after hearing the petitioner and other concerned officer and this order shall not be construed as an expression of opinion on merits.
- (iv) Subject to above, Writ Petition stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)