

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Writ Petition No. 2009 of 2019
[Atul Narayan Somkuwar Vs. State of Mah, Rural Devpt. Deptt. & others]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. A. N. Somkuwar, petitioner-in-person.
Ms. Mehta, AGP for respondent nos. 1 and 3.

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**CORAM : R. K. DESHPANDE AND
S. M. MODAK, JJ.**

DATE : 11th March, 2019

This Writ Petition claims the reliefs as under:-

- "1] Direct the Respondent No.01 to take the Decision on subject matter of amendment in the Section 12 (2) (c) of ZP & PS Act, 1961 in a time bound manner. (Point no.01)
- 2] Direct the respondent No.02 for announcement of the program of elections for Nagpur Zilla Parishad and Panchayat Samitis with existing provisions. [Point No.02 and 03]
- 3] Direct the Respondent No.01, that they should not make any alterations in the boundaries of Nagpur ZP, and PS till the

period of Nagpur ZP & PS elections are over. [Point no.4].

- 3] Or any other relief if this Hon'ble Court deems fit to grant in the interest of justice."

If the elections of Zilla Parishads are to take place in accordance with Section 12 (2) (c) of the Zilla Parishads and Panchayat Samitis Act, they are likely to exceed the limit fixed by the Apex Court for reservation in the case of **K. [Dr.] Krishnamurthy & others Vs. Union of India & another** [(2010) 7 SCC 202]. Therefore, unless the amendment is made to the provision, the elections cannot be held. In the earlier Writ Petition No. 6676 of 2016 and other connected matters; finally decided on 27th August, 2018, this Court had directed the State Govt. to take necessary decision on the amendment of provisions of Section 12 (2) (c) of the Maharashtra Zilla Parishads & Panchayat Samitis Act, within a period of three months and the status quo was directed to be maintained till then in respect of the elections of Zilla Parishads.

It is the contention raised in this petition that no steps are taken either to amend the provisions of Section 12 (2) (c) or to conduct the elections of Zilla Parishads. It is not possible for us to accept the contention, for the reason that the elections are to be held only after the amendment to Section 12 (2) (c) and we cannot enforce the directions to the Legislature to

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amend the provisions within a stipulated period.

Writ Petition is dismissed.

Judge

Judge

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