

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

WRIT PETITION NO. 7968 OF 2020

RAM DAGDU MITKARI AND ANOTHER
VERSUS
STATE OF MAHARASHTRA AND OTHERS

Dr. Swapnil D. Tawshikar, Advocate for the petitioner
Mr. A. B. Chate, AGP for the respondents State
Mr. Ajit Kadethankar, Advocate for respondent No.5

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 16th December, 2020

ORDER:

1. Mr. Tawshikar, the learned counsel for the petitioner submits that ward formation and allotment of reservation to the ward is against Rules. No procedure has been followed by the respondents. The draft ward list was not published as required under Rule 5 of the Maharashtra Village Panchayat, Number of Members, Division into Wards and Reservation of Seats) Rules, 1966. According to the learned counsel, no procedure was followed, there is no publication, no beat of drum and as such villagers did not know about publication of the draft ward list as contended by the respondents. It was only in the month of November 2020, the petitioner got knowledge that the respondents have made changes in the ward formation and reservation, as such, raised objection on 12th November, 2020. The purity of election is at stake.

2. Mr Kadethankar, the learned counsel for the Election Commission and Learned A.G.P. submit that the objections were called from the villagers from 7th February, 2020 to 14th of February, 2020. The

objections were heard. Due to Covid 19, final publication was not made and the same is made on 27th October, 2020. No objection was raised by the petitioner till then. The election programme is also declared.

3. It appears that election programme has been declared on 15th December, 2020 and the date for filling in the nomination starts from 23rd December, 2020. It is the fact that objections were not raised from 7th February, 2020 to 14th February, 2020 and the petitioner has raised objection after final publication on 27th October, 2020.

4. In light of the aforesaid fact, case put forth by the petitioner cannot be considered.

5. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

JPC