

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

903 WRIT PETITION NO.8879 OF 2020

**RAORASPURA GRAMIN VIKAS MANDAL THR ITS AUTHORIZED PERSON DR
QUADRI SYED MATEENUDDIN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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**Advocate for Petitioners : Girish N Kulkarni
AGP for Respondent State: S.Y.Mahajan
Std.Counsel A.B.Kadethankar for R.3.**

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**CORAM : V.K.JADHAV AND
MANGESH S. PATIL, JJ.
[VACATION COURT]**

DATE : 24.12.2020

PC. :-

Heard the learned advocate for the petitioners.

2] By this petition the petitioners are challenging formation of ward under the provisions of Bombay Village Panchayat (Number of Member, Division into Wards and Reservation of Seats) Rules 1966. It is alleged that the wards have not been formed in accordance with provisions of Section 3 of the Maharashtra Village Panchayat Act. Even the aspect of reservation as contemplated under Section 4 of that Act has not been considered. It is the Sub Divisional Officer who had issued notice for conducting the hearing but in fact the order rejecting the objection of the petitioner has been passed by the

Collector and there are no reasons mentioned in the order. Therefore, formation of wards is illegal and against the constitutional mandate.

3] We have heard learned Standing Counsel Mr.Kadethankar for the State Election Commission and the learned A .G.P

4] Mr.Kadethankar would submit that the order was passed by the Collector on 17/3/2020 and the petitioners are approaching this Court belatedly. He would further submit that it is strictly in accordance with practice being followed in case of institutional hearing the Sub Divisional Officer had issued the notice and conducted the hearing which is now approved by the Collector by the impugned order. There is no fault in following such mechanism. The opportunity of being heard was extended to the petitioner and there is no illegality. He would further submit that already the process of election has commenced. The nomination forms are to be filled between 23 December 2020 to 30 December 2020 and the clock cannot be set back.

5] The final notification regarding reservation and ward formation was published long back. It is only after inviting the objections and deciding them by the impugned order a further process of election is being undertaken. Though the impugned order was passed in the month of March 2020, the petitioners were not prompt in approaching this Court. Though they contend that they were not aware about the order and it was never communicated to them, there is no time to verify this fact. The election programme has been declared and is underway.

6] It is in view of such peculiar state of affairs, we are not inclined to accept the reasons being put forth by the petitioners in not approaching the Court in time.

7] In the light of above, no relief can be granted to the petitioners.

8] The Writ Petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[V.K.JADHAV,J.]

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