

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

WRIT PETITION NO. 8209 OF 2020

Suresh S/o Anandrao Chaudhari
and another

... Petitioners.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. Yogesh K. Bobade, Advocate for the Petitioners.

Mr. K.B. Jadhavar, A.G.P. for Respondents State.

Mr. A.B. Kadethankar, Advocate for Respondent Nos. 2 and 3.

....

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 14th DECEMBER, 2020

PER COURT:-

1. Mr. Bobade, the learned counsel for the petitioners submits that the number of voters has to be same in each ward. In the present case, there is imbalance in the numbers of voters in each ward. Ward No.6 has less voters than other wards. According to the learned counsel, the same is illegal.

2. Mr. Kadethankar the learned counsel for respondent Nos. 2 and 3 submits that in ward Nos 1 to 5, the voters are more or less same. However, for ward No.6, the village is at the distance of 5 k.m. and therefore there is a disparity in the number of villagers vis-a-vis are less.

3. We asked the learned counsel for the petitioners as to what prejudice would be caused to the petitioners. The learned counsel for the petitioners submits that the petitioners are more concerned with ward No.1. As far as ward Nos. 1 to 5 are concerned, the number of villagers are more or less same. Moreover, the ward formation is done on the basis of population.

4. The difficulty expressed by the learned counsel for Election Commission before this Court regarding voters in ward No.6 appears to be genuine. Moreover, the petitioners right would not be affected in case the ward elections is done on the basis of population in the number of villages.

5. The Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane