

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

PUBLIC INTEREST LITIGATION NO. 33 OF 2021

Vitthal Bira Pawar

.. Petitioner

Versus

The Commissioner,
State Election Commission and others

.. Respondents

Mr. Shivkumar N. Lavekar, Advocate for the Petitioner.

Mr. D. R. Kale, I/c. G. P. for Respondents-State.

Mr. A. B. Kadethankar, Advocate for Respondent Nos. 1 and 2.

Mr. Vivek Bhavthankar, Advocate for Respondent No. 9.

Mr. V. V. Rathod, Advocate for Respondent Nos. 8, 10 to 12 & 14.

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

DATED : 22nd March, 2021.

PER COURT:-

. Mr. Lavekar, learned counsel for the petitioner submits that the ward formation of Grampanchayat Daregaon is not in consonance with the rules. The ward formation has to be on the basis of number of voters. The reservation also has to be made on the basis of number of voters of the particular reserved category. The same has been flouted. The petitioner has raised objection in February 2020. The same is not considered. It was only in the December the communication is made of rejection of the objection. The petitioner on 23.01.2021 also raised objection with the State Election Commission. The same is also not

decided.

2. Mr. Kadethankar, learned counsel for the State Election Commission submits that the elections are over in the month of January 2021. The wards are formed in March 2020 and the wards are to be formed on the basis of the population and not the voters.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The elections are over on 23.01.2021 and thereafter the present public interest litigation is filed. The wards were formed in March 2020. The petitioner could have objected to the ward formation immediately after formation of wards. Now, the elections are over. The same is sought to be assailed by way of present public interest litigation. It is trite that the reservation and the ward formation is based on the population and not on the basis of number of voters.

5. In the light of all the aforesaid facts, we are not inclined to entertain the present public interest litigation. Public interest litigation, as such, is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.