

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

WRIT PETITION No. 6765/2022

Anant s/o. Baburao Golait (Gahilot)	..	Petitioner
Versus		
The State Election Commission of Maharashtra and others	..	Respondents

Mr. M. P. Tripathi, Advocate for Petitioner;
 Mr. R.S.Deshmukh, Senior Advocate appointed as *amicus curiae*
 in all writ petitions;
 Mr. A. B. Kadethankar, Advocate for Respondent No.1;
 Mr. P. S. Patil, Additional G.P. for Respondent No.2;
 Mr. R. R. Chandak, Advocate for Respondent No.3

WITH
WRIT PETITION No. 6162/2022

Shaikh Afsar Nawaboddin and others	..	Petitioners
Versus		
State of Maharashtra and others	..	Respondents

Mr. Devdatt P. Palodkar, Advocate for Petitioners;
 Mr. P. S. Patil, Additional G.P. for Respondents No. 1, 3 and 4;
 Mr. A. B. Kadethankar, Advocate for Respondent No.2;
 Mr. Sayyed Tauseef Yaseen, Advocate for Respondent No.5

WITH
WRIT PETITION No. 6031/2022

Shaikh Mohammad Aamer Mohammad Aref	..	Petitioner
Versus		
State of Maharashtra and others	..	Respondents

Mr. Devdatt P. Palodkar, Advocate for Petitioner;
 Mr. P. S. Patil, Additional G.P. for Respondents No.1, 3 and 4;
 Mr. A. B. Kadethankar, Advocate for Respondent No.2;
 Mr. G. K. Naik-Thigle, Advocate for Respondents No. 5 and 6

WITH
WRIT PETITION No. 6048/2022

Pratap s/o. Vinayakrao Deshmukh	..	Petitioner
Versus		
The State Election Commission of Maharashtra and others	..	Respondents

Mr. N. S. Kadam, Advocate for Petitioner;
 Mr. A. B. Kadethankar, Advocate for Respondent No.1;
 Mr. P. S. Patil, Additional G.P. for Respondent No.2;
 Mr. S. J. Salunke, Advocate for Respondent No.3

WITH
WRIT PETITION No. 6061/2022

Babaraoji s/o. Baliramji Bangar	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

Mr. Shailendra S. Gangakhedkar, Advocate for Petitioner;
 Mr. P. S. Patil, Additional G.P. for Respondents No.1 and 3;
 Mr. A. B. Kadethankar, Advocate for Respondent No.2;
 Mr. V. M. Maney, Advocate for Respondent No.4

WITH
WRIT PETITION No. 6203/2022

Kishor s/o. Balaji Muktwar and another	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

Mr. Dhananjay A. Mane, Advocate for Petitioners;
 Mr. P. S. Patil, Additional G.P. for Respondents No.1 and 3;
 Mr. A. B. Kadethankar, Advocate for Respondent No.2;
 Mr. S. S. Rathi, Advocate for Respondent No.4

WITH
WRIT PETITION No. 6205/2022

Pawankumar s/o. Mahadev Munde	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

Mr. S. G. Munde, Advocate for Petitioner;

Mr. P. S. Patil, Additional G.P. for Respondents No. 1, 3 & 4;
 Mr. A. B. Kadethankar, Advocate for Respondent No.2;
 Mr. G. V. Mohekar, Advocate for Respondent No.5

WITH
WRIT PETITION No. 6206/2022

Umesh Ranba Khade	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

Mr. Ajeet B. Kale, Advocate for Petitioner;
 Mr. P. S. Patil, Additional G.P. for Respondents No.1, 4 and 6;
 Mr. A. B. Kadethankar, Advocate for Respondent No.2;
 Mr. G. V. Mohekar, Advocate for Respondent No.5

WRIT PETITION No. 6207/2022

Govind Ramkishan Mohekar	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

Mr. S. G. Munde, Advocate for Petitioner;
 Mr. P. S. Patil, Additional G.P. for Respondents No.1, 3 and 4;
 Mr. A. B. Kadethankar, Advocate for Respondent No.2

WITH
WRIT PETITION No. 6209/2022

Naresh s/o. Chandbasappa Pimple	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

Mr. S. G. Munde, Advocate for Petitioner;
 Mr. P. S. Patil, Additional G.P. for Respondents No.1,3 and 4;
 Mr. A. B. Kadethankar, Advocate for Respondent No.2;
 Mr. G.V. Mohekar, Advocate for Respondent No.5

WITH
WRIT PETITION No. 6210/2022

Yogesh Arun Padkar	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

Mr. S. G. Munde, Advocate for Petitioner;
 Mr. P. S. Patil, Additional G.P. for Respondents No.1,3 and 4;
 Mr. A. B. Kadethankar, Advocate for Respondent No.2;
 Mr. G.V. Mohekar, Advocate for Respondent No.5

WITH
WRIT PETITION No. 6921/2022

Shaikh Mohseen s/o. Shaikh Karimoddin .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Mr. S. S. Gangakhedkar, Advocate for Petitioner;
Mr. P. S. Patil, Additional G.P. for Respondents No. 1 and 3;
Mr. A. B. Kadethankar, Advocate for Respondent No.2

WITH
WRIT PETITION No. 6843/2022

Satish Raosaheb Deshmukh .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Mr. Ajeet B. Kale, Advocate for Petitioner;
Mr. P. S. Patil, Additional G.P. for Respondents No. 1, 4 and 6
Mr. A. B. Kadethankar, Advocate for Respondent No.2

WITH
WRIT PETITION No. 6212/2022

Shaikh Shafiq Saleh Mahmad and others .. Petitioners
Versus
The State of Maharashtra and others .. Respondents

Mr. Prashant D. Suryawanshi, Advocate for Petitioner;
Mr. P. S. Patil, Additional G.P. for Respondents No.1 and 3;
Mr. A. B. Kadethankar, Advocate for Respondent No.2;
Mr. Sayyed Tauseef Yasin, Advocate for Respondent No.5

**CORAM : DIPANKAR DATTA, C.J. &
RAVINDRA V. GHUGE, J.**

DATE : JULY 05, 2022

Oral Judgment : (Per the Chief Justice)

1. The similitude of the issues of law and fact involved in

these writ petitions warranted analogous hearing. We, therefore, propose to decide these writ petitions by this common order.

2. Writ Petition No. 6765 of 2022 is listed as the first matter on board. An order dated 4th July 2022 of finalization of ward formation for elections to the Municipal Council, Manwat, in the district of Parbhani issued by its Collector, is questioned in the writ petition. The petitioner complains that his objection that Golaitnagar (colony) ought not to have been divided and included as part of two wards, i.e., ward nos. 10 and 11, has not been considered in the proper perspective by the Collector and in the light of an order dated 27th December 2021 of the State Election Commission, Maharashtra; therefore, it is prayed that the impugned order be quashed and/or set aside on the ground of violation of the order dated 27th December 2021.

3. In Writ Petition No. 6162 of 2022, final notification dated 9th June 2022 pertaining to ward formation for general elections to the Municipal Council, AUSA in the district of Latur is challenged. The contention of the petitioners is that they had raised objections to the provisional ward formation but the final notification impugned in the writ petition has been published without considering such objections. Prayer in the writ petition is for quashing and/or setting aside the final notification dated 9th June 2022 and for a direction upon the respondents to

incorporate changes in the final notification in the manner as indicated in the writ petition.

4. The challenge in Writ Petition No. 6031 of 2022 is similar to the challenge in Writ Petition No. 6162 of 2022, except that the elections pertain to Municipal Council, Beed, District Beed. Prayer has been made for quashing and/or setting aside the final notification dated 8th June 2022 for formation of wards.

5. Petitioner in Writ Petition No. 6048 of 2022 challenges formation of wards for elections to the Municipal Council, Jintur dated 9th June 2022 issued by the Collector, Parbhani. The ground of challenge in the writ petition is that objection pointing out violation of clauses 4.5.1 and 4.3 of the order dated 27th December 2021 issued by the State Election Commission, Maharashtra in respect of formation of wards 3 and 9 has not been considered. Accordingly, it is prayed that the order dated 9th June 2022 be quashed and/or set aside as violative of the order dated 27th December 2021.

6. By instituting Writ Petition No. 6061 of 2022, the petitioner seeks quashing and/or setting aside of the final ward formation approved by the State Election Commission, Maharashtra on 6th June 2022 and published on 7th June 2022, insofar as election to the Municipal Council, Hingoli, district Hingoli from wards 4 and 5 are concerned. The ground of

challenge is similar to the other writ petitions referred to above, viz. the order dated 27th December 2021 of the State Election Commission, Maharashtra has been followed in the breach.

7. Writ Petition No. 6203 of 2022 has been instituted with a prayer for setting aside the order dated 8th June 2022 of the District Collector, Parbhani, thereby forming wards for the ensuing elections of Sailu Nagar Parishad. Such relief is claimed on the ground that the Collector ignored the substantive objection raised by the petitioner.

8. The final ward formation for elections to Municipal Council, Parali Vaijanath, District Beed is the subject matter of challenge in Writ Petition No. 6205 of 2022. Prayer is made for setting aside the order dated 7th June 2022.

9. Petitioner in Writ Petition No. 6206 of 2022 has taken exception to the final ward formation plan prepared and published by the respondents (Exhibit "H") and has prayed for quashing and/or setting aside the same. The impugned ward formation plan pertains to elections to the Municipal Council, Parali Vaijanath, District Beed.

10. The challenges in Writ Petition Nos. 6207 of 2022 and 6209 of 2022 are similar to the challenges in Writ Petition No. 6205 of 2022 and 6206 of 2022. The prayers are also the same.

11. Writ Petition No. 6921 of 2022 involves a challenge to the final ward formation approved by the State Election Commission, Maharashtra on 6th June 2022 and published on 7th June 2022 so far as elections to Municipal Council, Vasmat, district Hingoli from wards 4 and 5. The prayer is for setting aside such final ward formation.

12. Writ Petition No. 6843 of 2022 impugns the final ward formation plan prepared and published by the respondents (Exhibit "J") in respect of elections to Municipal Council, Sonpeth, District Parbhani. Prayer is for quashing and/or setting aside such plan.

13. Preparation and publication of final plan of ward formation for elections to Municipal Council, Beed is the subject matter of challenge in Writ Petition No. 6212 of 2022. Prayer is for quashing and/or setting aside of such plan.

14. In all the writ petitions, the interim prayer is common, i.e., the impugned orders/ward formation plans be stayed.

15. We have heard learned advocates appearing for the various petitioners, Mr. Kadethankar for the State Election Commission, Maharashtra, as well as Mr. Deshmukh, learned senior advocate who was appointed by us yesterday as the *amicus curiae*.

16. Upon hearing the parties, we are convinced that these writ petitions are not maintainable before this Court under Article 226 of the Constitution for more reasons than one which we shall presently assign.

17. Mr. Palodkar, at the outset of hearing, invited our attention to the decision in **State of Goa and another Vs Fouziya Imtiaz Shaikh and another**, reported in (2021) 8 SCC 401. Placing reliance on paragraph 68 and its several sub paragraphs, Mr. Palodkar contended that since the petitioners have approached this Court prior to the election process being set in motion by issuance of notification, orders passed by the various Collectors of districts, since approved by the State Election Commission, Maharashtra, relating to delimitation or allotment of seats including preparation of electoral rolls, are amenable to challenge in writ petitions under Article 226 of the Constitution of India and that Article 243-ZG thereof would not bar the High Court from hearing the grievances raised in these writ petitions.

18. The Supreme Court in **State of Goa** (supra), after consideration of a plethora of precedents, declined to interfere with the impugned judgment rendered by this Court in **Romaldo Fernandes Vs State of Goa**, reported in 2021 SCC OnLine Bom 275. We consider it appropriate to reproduce

hereinbelow relevant sub-paragraphs of paragraph 68 of such decision: -

“68. A conspectus of the aforesaid judgments in the context of municipal elections would yield the following results:

68.1 Under Article 243-ZG(b), no election to any municipality can be called in question except by an election petition presented to a Tribunal as is provided by or under any law made by the legislature of a State. This would mean that from the date of notification of the election till the date of the declaration of result a judicial hands-off is mandated by the non obstante clause contained in Article 243-ZG debarring the writ court under Articles 226 and 227 from interfering once the election process has begun until it is over. The exercisable by a writ court as to whether an interference is called for when the electoral process is ‘imminent’ i.e. the notification for elections is yet to be announced.

68.2. If, however, the assistance of a writ court is required in subserving the progress of the election and facilitating its completion, the writ court may issue orders provided that the election process, once begun, cannot be postponed or protracted in any manner.

68.3

68.4

68.5 Judicial review of a State Election Commission's order is available on grounds of review of administrative orders. Here again, the writ court must adopt a hands-off policy while the election process is on and interfere either before the process commences or after such process is completed unless interfering with such order subserves and facilitates the progress of the election.

68.6

68.7

68.8 Any challenge to orders relating to delimitation or allotment of seats including preparation of electoral rolls, not being part of the election process as delineated above, can also be challenged in the manner provided by the statutory provisions dealing with delimitation of constituencies and allotment of seats to such constituencies.

68.9
 68.10 "

(emphasis ours)

19. While perusing the decision in **State of Goa** (supra), we noticed that the decision of the Constitution Bench of the Supreme Court in **Lakshmi Charan Sen and others Vs A.K.M. Hassan Uzzaman and others**, reported in (1985) 4 SCC 689, was cited. Although any detailed discussion with reference to such decision is not available in **State of Goa** (supra), the conclusions recorded in paragraph 68 are in sync therewith. The Supreme Court culled out the principles from its earlier precedents, which each Court ought to bear in mind while dealing with proceedings seeking relief in respect of election matters. Although Mr. Palodkar sought to draw support from paragraph 68.8, we have not been able to persuade ourselves to agree with him. We are conscious that a judgment of a Court cannot be read as if it were a statute, yet, the Supreme Court having expressed what are the results of its reading and understanding of the precedents, it would not be open for the High Court to take a view which strikes a discordant note with the view of the Supreme Court. The words in paragraph 68.8, on which we have laid emphasis, leave none in doubt that a challenge can be laid to orders relating to delimitation or allotment of seats including preparation of electoral rolls, which do not form part of the election process, in the manner provided by the statutory provisions dealing with

delimitation of constituencies and allotment of seats to such constituencies. Here, it is the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereafter “1965 Act”, for short) which not only deals, in section 10, with ‘Elections and Publication of Names of Elected and Nominated Councillors’ but also provides, in section 21, how a dispute in respect of, *inter alia*, election of an elected councilor should be adjudicated. The remedy of the petitioners, therefore, would lie in a petition presented in the District Court in terms of sub-section (1) of section 21. Mr. Palodkar was heard by us to contend that a dispute of the nature raised in these writ petitions is not capable of being adjudicated by the District Court. We have no reason to agree with him, yet, even if we assume this contention to be correct, the constitutional validity of section 21 could require a challenge on the principle of *ubi jus ibi remedium* and the lack of a forum. That is not the challenge in any of the writ petitions. Thus, resting on paragraph 68.8 of the decision in **State of Goa** (supra), we hold that these writ petitions are not maintainable.

20. The second reason has its roots in the self-imposed restrictions, which a writ court is required to abide by in the course of exercise of its discretionary jurisdiction. The decision of the Supreme Court in **Anugrah Narain Singh and another Vs State of U.P. and others**, reported in (1996) 6 SCC 303,

considered the decision in **Lakshmi Charan Sen** (supra) in some detail. The law laid down by the Supreme Court in **Lakshmi Charan Sen** (supra) that an election cannot be allowed to be stalled on the complaint of a few individuals, for, such stalling would cause grave injustice to other voters having the right to elect representatives to the local bodies, was reaffirmed. The conclusions recorded by the Supreme Court in an order dated 30th August, 1982, which formed part of the final judgment/decision in **Lakshmi Charan Sen** (supra) were noticed in **Anugrah Narain Singh** (supra), to the effect that no High Court in exercise of its powers under Article 226 of the Constitution shall pass any order, interim or otherwise, having the tendency or effect of postponing an election that is reasonably imminent and in relation to which its writ jurisdiction is invoked, and that imminence of the electoral process is a factor which must guide and govern the passing of orders in the exercise of the High Court's writ jurisdiction. The Court emphasized that *"the more imminent such process, the greater ought to be the reluctance of the High Court to do anything, or direct anything to be done, which will postpone that process indefinitely by creating a situation in which, the Government of a State cannot be carried on in accordance with the provisions of the Constitution"*. The High Courts were also urged to bear in mind self-imposed limitations on their power to act under Article 226, by refusing to pass orders or give

directions which will inevitably result in an indefinite postponement of elections.

21. The decision in **Lakshmi Charan Sen** (supra) was rendered upon a challenge being laid to electoral rolls prepared and published for election to the West Bengal Legislative Assembly. The reliefs claimed by the petitioners are captured in paragraph 11 of the decision. It is clear on a reading thereof that the stage at which the Calcutta High Court had been approached was a stage preceding the setting in motion of the election process by publication of a notification. There is a close resemblance of the stage here and the grievances appear to be the same. Considering the views expressed by the Supreme Court in **Lakshmi Charan Sen** (supra), we have no doubt that it would not be proper for us to interfere, particularly when the elections to the Municipal Councils are imminent and that the election notification would be announced in a day or two, and particularly when none of the writ petitions is intended to facilitate the smooth progress of the elections. We have referred to the interim prayers made in all these writ petitions *infra*. All the petitioners intend to have the elections stalled and the wards formed only after consideration of their objections. The message of the Supreme Court is loud and clear: interference is permissible to subserve the progress of the election and to facilitate its completion, not when the

interference by the Court would have the effect of postponing the elections indefinitely.

22. The third and the equally weighty reason, if not the most important reason on facts and in the circumstances, is based on the orders dated 4th May 2022 and 17th May 2022 passed by the Supreme Court in S.L.P. (Civil) No. 19756/2021 (**Rahul Ramesh Wagh Vs The State of Maharashtra**) and companion proceedings, as well as the judgment dated 10th May 2022 in Writ Petition (Civil) No. 278 of 2022 (**Suresh Mahajan Vs The State of Madhya Pradesh and another**).

23. In **Rahul Ramesh Wagh** (supra), the Supreme Court is seized of challenges to the constitutional validity of sections 2, 3, 4(1)(a) and 5 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2022, sections 2 to 6 of the Maharashtra Village Panchayat and the Maharashtra Zilla Parishad and Panchayat Samiti (Amendment) Act, 2022, and section 2 of the Mumbai Municipal Corporation (Amendment) Act, 2022. The challengers contended that the amending enactments purport to take away the authority of the State Election Commission, Maharashtra regarding delimitation which, according to the constitutional scheme, ought to rest with such Commission. The Court in its order dated 4th May 2022 observed that a deeper examination of the issue is

necessary for which the petitions must proceed for further hearing. After considering various provisions of the Constitution and relevant statutory provisions, the Court went on to order as follows:

“Accordingly, the election programme of such local bodies must proceed and the State Election Commission is obliged to notify the election programme within two weeks from today in respect of such local bodies including to continue with the process from the stage as on 10.3.2022, on the basis of the delimitation done prior to coming into force of the Amendment Act(s) w.e.f. 11.03.2022.

In other words, the delimitation as it existed prior to 11.03.2022 in respect of concerned local bodies be taken as notional delimitation for the conduct of overdue elections and to conduct the same on that basis in respect of each of such local bodies.

Insofar as providing reservation for scheduled castes and scheduled tribes, the mandate of the Constitution and statutory provision must be followed; and in so far as other backward classes, compliance of triple test as predicated by this Court in *Vikas Kishanrao Gawali Vs. State of Maharashtra reported in (2021) 6 SCC 73* must be adhered to. Absent such compliance, no reservation can be provided in the local bodies for that category which may go for elections with immediate effect in terms of this order.

As requested by the learned counsel for the State, we place on record that all steps taken by the State Election Commission and we may add even the State Government, on the basis of the directions given in terms of this order will be subject to the outcome of these proceedings.

We make it clear that until the delimitation is done by the State Government in terms of Amendment Act(s) of 2022, the State Election Commission shall give effect to this order also in respect of upcoming elections in respect of local bodies which would become due by efflux of time.

List these petitions/matters on 12.07.2022.

The State Election Commission to file compliance report before the next date of hearing. In

case of any difficulty, liberty is granted to the State Election Commission to apply before the returnable date and to ensure that election programme in respect of concerned local body is taken forward without any interruption.”

Upon an application being filed by the State Election Commission, the short order passed on 17th May 2022 records as follows:

“In deference to the observation made by the Court, learned counsel for the Maharashtra State Election Commission, in all fairness, submits that the State Election Commission will commence the process forthwith in respect of areas/districts which may not be affected by monsoon and even if after notification, if the situation so warrants, the schedule can be modulated appropriately district-wise and local body-wise.

In view of the above, nothing more is required to be said in this application and the same is disposed of.

Pending applications, if any, stand disposed of.”

24. Paragraphs 28 and 31 of the judgment in **Suresh Mahajan** (supra) which intervened in the meanwhile being most relevant, we quote the same hereunder: -

“28. We were also informed by the learned counsel appearing for the Madhya Pradesh State Election Commission during the course of arguments that some writ petitions are pending before the High Court in which interim orders have been passed and that may come in the way of the State Election Commission to notify the election programme. In that regard, we make it clear and also direct that the State Election Commission must abide by the directions and observations in this order uninfluenced by any order of the High Court or the Civil Court on the subject of elections of the concerned local self-government, as the case may be. If any order passed or to be passed hereafter by the High Court or the Civil Court in the State of Madhya Pradesh, is in

conflict with the directions given by this Court, the same shall be deemed to have been superseded in terms of this order and not to be acted upon without the prior permission of this Court.

31. We also make it clear that this order and directions given are not limited to the Madhya Pradesh State Election Commission/State of Madhya Pradesh; and Maharashtra State Election Commission/State of Maharashtra in terms of a similar order passed on 04.05.2022, but to all the States/Union Territories and the respective Election Commission to abide by the same without fail to uphold the constitutional mandate.”

25. The Supreme Court in **Suresh Mahajan** (supra) having taken note of the fact that there were no elections to the local bodies in the State of Madhya Pradesh, had observed that conducting elections to local bodies is not only a constitutional obligation of the State Election Commission but also of the State Government including the Constitutional Courts. The Court was also of the opinion that elections to such local bodies cannot brook any delay. Bearing in mind the necessity and importance of conducting timely elections to the local bodies, the Court observed that the State Election Commission, Madhya Pradesh must abide by the directions and observations in the judgment uninfluenced by any order of the High Court or the Civil Court on the subject of elections of the concerned local self-government, as the case may be, and if any order had been passed or is passed after 10th May by the High Court of Madhya Pradesh or any Civil Court in such State which is in conflict with

the directions given by the Supreme Court, the same shall be deemed to have been superseded in terms thereof and cannot be acted upon without the prior permission of the Court. Such direction was not confined only to the State of Madhya Pradesh but was extended to the State of Maharashtra as well as all other States/Union Territories across the country.

26. On due consideration of the judgment in **Suresh Mahajan** (supra), we cannot by a judicial fiat stall the elections which are imminent. The same have to be conducted and completed without any delay, as directed by the Supreme Court.

27. It is well known that a Court exercising plenary jurisdiction under Article 226 of the Constitution ought to issue a writ which would further public interest and not thwart it. What emerges, giving due regard to the law laid down by the Supreme Court in **State of Goa** (supra), **Anugrah Narain Singh** (supra) and **Lakshmi Charan Sen** (supra) is that an otherwise imminent election process, therefore, need not be derailed merely because there are certain disgruntled voices who wish to have the wards formed in the manner they like, while disligning the formation brought about by the State Election Commission. If there be any genuine legal grievance which calls for being addressed, the forum prescribed by law has to be approached.

28. Having held so, we repeat that the prayers of the writ petitions under consideration do not reveal that a single writ petition is intended to obtain relief for facilitating smooth progress of the elections; on the contrary, the interim prayers in all such writ petitions are such that grant thereof would have the effect of postponing the elections for an indefinite period. This, coupled with the judgment in **Suresh Mahajan** (supra) read with the order in **Rahul Ramesh Wagh** (supra), makes it clear as crystal that the elections to the local bodies cannot be stalled by any order passed by this Court; even if a stalling were directed, such order would be of no effect.

29. For the reasons aforesaid, interference is not warranted; hence, we dismiss all the writ petitions. No costs.

[RAVINDRA V. GHUGE, J.]

[CHIEF JUSTICE]

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