



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11877 OF 2024**

Rajebhau s/o. Shriram Phad,
Age: 44 years, Occu.: Business,
R/o Sai Sadan, Shankar Parvati Nagar,
Parali-Vaijnath, Dist. Beed.

..Petitioner

Versus

1. Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi – 110 001
Through its Commissioner.
2. Chief Electoral Officer,
State of Maharashtra,
Election Department, Mantralaya, Mumbai
3. District Election Officer for Beed District,
District Collector, Beed.
4. Returning Officer for
Parali Legislative Assembly Constituency,
Parali Vaijnath, District Beed.
5. State Election Commission,
Maharashtra State, Mumbai.

..Respondents

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Mr. S. S. Jadhavar, Advocate for the Petitioner.
Mr. A. M. Sharma, Advocate for Respondent Nos.1 to 4.
Mr. A. B. Kadethankar, Advocate for Respondent No.5.

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 25th OCTOBER, 2024.

ORDER (Per S. G. Chapalgaonkar, J):-

1. The petitioner approaches this Court under Article 226 of the Constitution of India with following prayers:

“B. By issuing writ of mandamus or any other appropriate writ, order or direction, the respondents may kindly be directed to declare 122 polling stations mentioned in the representation dated 03.10.2024 filed by the petitioner as the sensitive / critical / venerable polling stations from Parali Legislative Assembly Constituency and to take special measures such as deployment of Central Force,

installation of CCTV Camera etc. at those polling stations at the time of polling day.”

2. Heard Mr. Jadhavar, learned Advocate appearing for the petitioner, Mr. Sharma, learned Advocate for respondent nos.1 to 4 and Mr. Kadethankar, learned Advocate for respondent no.5.

3. Mr. Jadhavar submits that the petitioner is aspirant to contest Assembly Elections 2024 from Parli Assembly Constituency, which consist of 222 polling stations within geographical area of Parli Taluka and 120 polling stations in Ambajogai Taluka. The Constituency is politically sensitive and has dominance of particular family, who is enjoying power since last three decades. He would submit that in recent parliamentary election several complaints of unfair means, booth capturing during polling have been experienced. The video and audio recording of such incident were made viral.

4. Mr. Jadhavar would further invite attention of this Court to the guidelines stipulated in manual on polling stations issued by Election Commission of India, which contemplates provision for vulnerability mapping and identification of critical polling stations during elections. He would further invite our attention to the Manual on Vulnerability Mapping 2023 issued by Election Commission of India, particularly to Clause (5) of said Manual providing for Parameters of Vulnerability and actions to be taken for mapping. Mr. Jadhavar would then invite attention of this Court to the representations made by petitioner to the Deputy Secretary and Joint Secretary of Election Commission dated 14.09.2024 and submits that respondents have failed to take cognizance of such representations and initiate necessary measures

required for ensuring fair election process at ensuing Assembly Elections.

5. In response to the notice issued by us under order dated 22.10.2024, affidavit-in-reply has been filed by Mr. Mahindrakumar Shrirangrao Kamble, Deputy District Election Officer, Beed accepting that representations have been made by petitioner for declaring 122 polling stations as sensitive/critical. The affidavit-in-reply states that Election Commission is duty bound to ensure free and fair elections. Consequently, Election Commission of India has issued guidelines for conduct of elections in exercise of powers conferred under Articles 324 to 329 of the Constitution of India. The Election Commission has also issued instructions for identification of critical polling stations and measures to be taken for the same in tune with the guidelines issued on 19.06.2023. Once critical polling stations are identified on objective satisfaction, the necessary steps would be taken as per prescribed parameters. Paragraph nos.4 and 5 of the affidavit-in-reply states as under:

“4. That as per the same, objective criteria for identification of Critical Polling Stations have been prescribed. The District Election Officer/ Returning Officer will identify the Critical Polling Stations based on the prescribed parameters. The list of Critical Polling Stations is then finalized in consultation with the Observer appointed by the Election Commission. The measures to be taken include deployment of Webcasting or Videography.

With respect to the demand of the Petitioner to declare 122 polling stations as critical polling stations, it is hereby submitted that the declaration of any polling station as critical polling station will be done as per the instructions of the Election Commission of India (ECI). It is further submitted that as per the instructions of ECI, at least 50% of Polling Stations are to be covered by Webcasting. As the Parli Assembly Constituency consists of 363 Polling Stations, in at least 182 Polling Stations webcasting will be done with cameras.

5. *That, at the risk of repetition it is once again reiterated that, the DEO along with concerned officers will conduct free and fair elections. It may be noted that the list of critical polling stations identified by the District Administration will be finalized in consultation with the Observers. That, the said Observers appointed by the ECI. They would be IAS and IPS officers from a different State.”*

6. We accept the statement made in affidavit-in-reply as undertaking to this Court and dispose of this writ petition with further direction to respondents to ensure necessary steps in tune with Clause Nos.5 and 6 of the Manual on Vulnerability Mapping 2023, particularly, keeping in mind concern highlighted by the petitioner in his representations.

7. Consequently, Writ Petition stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE