IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17271 OF 2025

Praja Kripa Party .. Petitioner
Vs.
Ulhasnagar Municipal Corporation & Ors. .. Respondents

...

Mr. Rohit D. Joshi, Advocate for the Petitioner

Mr. Suresh M. Kamble, Advocate for Respondent No.1-Corporation.

Mr. Suraj Chakor, Advocate for Respondent No.2-State Election Commission

Mrs. Neha S. Bhide, Government Pleader with Mr. O. A. Chandurkar, Additional Government Pleader and Ms. G. R. Raghuwanshi, AGP for Respondent No.3-State

CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.

DATE : 19th DECEMBER 2025

P.C. :

The petitioner has filed the writ petition with the following prayers:

> *"(a) This Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, Order or Direction forthwith, thereby quashing and setting aside the Final Ward-Wise Reservation Notification dated 2nd December 2025 (Exhibit E) published in the Maharashtra Government Gazette by Respondent No. 3;*
>
> *b) This Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, Order or Direction forthwith, thereby quashing and setting aside the Ward-Wise Draft Reservation List dated 17th November 2025 (Exhibit C) published by Respondent No. 1;*
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> *c) This Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in nature of Mandamus or any other appropriate Writ, Order or Direction forthwith thereby declaring that the reservation of seats in the Ulhasnagar Municipal Corporation wards shall be governed strictly as per the results of*

the public draw of lots conducted on 11th November 2025 (Exhibit B), and direct Respondent Nos. 1 to 3 to re-publish the ward-wise reservation list strictly in accordance with the said draw of lots;

d) In the alternative, this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, Order or Direction forthwith, thereby directing the Respondents to consider and decide the Petitioner's complaint dated 19th November 2025 (Exhibit D) by passing a reasoned order after granting due hearing to the Petitioner;

e) Pending hearing and final disposal of this Writ Petition, the effect, operation, implementation and execution of the Final Ward-Wise Reservation Notification dated 2nd December 2025 (Exhibit E) be stayed;

f) Pending the hearing and final disposal of this Writ Petition, restrain the Respondents from proceeding with any further steps in respect of the elections to the Ulhasnagar Municipal Corporation based on the impugned ward-wise reservation lists, including but not limited to commencement of the nomination process;

g) Ex parte ad interim relief in terms of prayer clause (e) and (f) above be granted.

h) Any other and further relief that this Hon'ble Court may deem fit and proper be granted in favour of the Petitioner."

2. Mr. Rohit D. Joshi, the learned counsel for the petitioner states that while the election in other wards may continue, the elections *qua* Ward Nos.1B, 1D, 1C, 14B and 14C of Ulhasnagar Municipal Corporation may be stayed.

3. In "*Mohinder Singh Gill v. Chief Election Commissioner."* (1978) 1 SCC 405, the Hon'ble Supreme Court observed as under:-

"26. The heart of the matter is contained in the conclusions summarised by the Court thus:

> *"(1) Having regard to the important functions which the legislatures have to perform in democratic countries, it has always been recognised to be a matter of first importance that elections should be concluded as early as possible according to time schedule and all controversial matters and all disputes arising out of elections should be postponed till after the elections are over, so that the election proceedings may not be unduly retarded or protracted.*

> *(2) In conformity with this principle, the scheme of the election law in this country as well as in England is that no significance should be attached to anything which does not affect the 'election'; and, if any irregularities are committed while it is in progress and they belong to the category or class which, under the law by which elections are governed, would have the effect of vitiating the 'election' and enable the person affected to call it in question, they should be brought up before a special tribunal by means of an election petition and not be made the subject of a dispute before any court while the election is in progress."*

After elaborately setting out the history in England and in India of election legislation vis-a-vis dispute-resolution, Fazl Ali, J. stated:

> *"If the language used in Article 329(b) is considered against this historical background, it should not be difficult to see why the framers of the Constitution framed that provision in its present form and chose the language which had been consistently used in certain earlier legislative provisions and which had stood the test of time."*

Likewise the Court discussed the connotation of the expression "election" in Article 329 and observed:

> *"That word has by long usage in connection with the process of selection or proper representatives in domestic institutions, acquired both a wide and a narrow meaning. In the narrow sense, it is used to mean the final selection of a candidate which may embrace the result of the poll when there is polling or a particular candidate being returned unopposed when there is no poll. In the wide sense, the word is used to connote the entire process culminating in a candidate being declared elected .... it seems to me that the word 'election' has been used in Part XV of the Constitution in the wide sense, that is to say, to connote the entire procedure to be gone through to return a candidate to the legislature ..... That the word "election" bears this wide meaning whenever we talk of elections in a democratic country, is borne out by the fact that in most of the books on the subject and in several cases dealing with the matter, one of the questions mooted is, when the election begins?"*

The rainbow of operations, covered by the compendious expression "election", thus commences from the initial notification and culminates in the declaration of the return of a candidate. The paramount policy of the Constitution-framers in declaring that no election shall be called in question except the way it is provided for in Article 329(b) and the Representation of the People Act, 1951, compels us to read, as Fazl Ali, J. did in Ponnuswami the Constitution and the Act together as an integral scheme. The reason for postponement of election litigation to the post-

> *election stage is that elections shall not unduly be protracted or obstructed. The speed and promptitude in getting due representation for the electors in the legislative bodies is the real reason suggested in the course of judgment."*

4. In view of the decision in "*Mohinder Singh Gill"* and other decisions rendered by the Hon'ble Supreme Court, no interference is permissible with the final ward-wise reservation notification dated 2nd December 2025 and, therefore, Writ Petition No.17271 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.] **[CHIEF JUSTICE]**

PRAVIN DASHARATH PANDIT
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