



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO 5157 OF 2025

(Sunil s/o Vishnu Kendre and ors Vs. State of Maharashtra and ors)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.N. Ghuge, Advocate for petitioners.
Ms. Kalyani Marpakwar, AGP for respondent Nos. 1 to 3/State.
Mr. Amit Kukday, Advocate for respondent No. 4.
Mr. S.M. Vaishnav, Advocate for intervenor.

CORAM : ANIL S. KILOR & RAJNISH R. VYAS, JJ.

RESERVED ON : 08-10-2025

PRONOUNCED ON : -10-2025

Heard learned counsel for the petitioners, learned AGP for respondent /State and learned counsel for respondent/intervenor.

2. By way of instant petition, the petitioners have prayed that order dated 22.08.2025, passed by respondent No. 2 – Divisional Commissioner be set aside. A declaration is also sought that action of respondent No. 3 – Collector, Buldhana in effecting changes in draft of ward formation dated 14.7.2025 and submitting the final draft of ward formation to respondent No. 2 Divisional Commissioner is arbitrary.

3. We have gone through the record of the case and have considered the contentions raised by the parties.

4. The principal contention of the petitioners that from perusal of order dated 22.08.2025 (Page 78-A), it would be crystal clear that powers were delegated upon the Collector. The learned counsel for petitioners has also invited our

attention to the Government Resolution dated 12.6.2025, more particularly, clause 6,7.1.7.2, 7.3 and clause 8. By pointing out the aforesaid clauses, it is contended by learned counsel for the petitioners that the said procedure has not been followed since it was for the Commissioner to take into consideration the objections and further take precaution for keeping transparency in the process. It is the contention of the petitioners that there is nothing on record to show that there was any material placed before them (Collector and Commissioner) for alteration of the wards and thereby carrying out inclusion and exclusion of villages from election gans.

5. The contention of the petitioners that the Divisional Commissioner has delegated the power of Collector is without any substance as no documentary evidence is filed to that effect. The logic advanced by the petitioners that since in communication dated 22.8.2025, addressed by the Divisional Commissioner, Amravati to Collector Buldhana, it is stated that the order dated 12.8.2025, passed by the State Election Commissioner and the referred document at Serial No. 4 (Final Proposal) for ward formation dated 18.8.2025 submitted by the Collector to the Divisional Commissioner is approved, shows that the Divisional Commissioner has not applied mind and virtually acted on the proposal of the Collector and therefore, powers were delegated, is far fetched logic. Agreeing with the opinion of Collector does not mean that Commissioner has delegated his power to the Collector or not applied his/her mind.

6. In the aforesaid background, it can be seen that the order passed by the Divisional Commissioner is perfectly legal and valid and consequently the act of formation of ward. The Divisional Commissioner has taken into consideration every relevant material and passed the order impugned.

That being so, petition is liable to be rejected and it is rejected, accordingly.

(RAJNISH R. VYAS, J)

(ANIL S. KILOR, J)