



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

WRIT PETITION NO 5164 OF 2025

(Manoj Murlidharrao Lute 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.B. Dhore, Advocate for petitioners.

Mrs. Mayuri Deshmukh, AGP for respondent Nos. 1 to 5/State.

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

RESERVED ON : 08-10-2025

PRONOUNCED ON : 15-10-2025

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

2. Challenge in the instant petition is to the Final Electoral Circles Formation Order of Arni Panchayat Samiti for elections in Zilla Parishad and Panchayat Samiti, Yavatmal, so also, a prayer is made to set aside the order passed by respondent No. 3 on 11.08.2025, by which objection raised by the petitioners was rejected. Secondly, prayer for direction to all the respondents to reconsider the objection raised by the petitioners and carry out Electoral Circle formation exercise afresh is also made.

4. In short, it is the case of the petitioners that faulty formation of Electoral Circles (Gat and Gan) in general election of Zilla Parishad, Yavatmal and Panchayat Samiti, Arni were made by the respondent authorities and when objection was taken by the petitioners by submitting detailed representation on 18.6.2025 (page 30), same was not taken into consideration.

It is also the case of petitioners that the respondent – Commissioner has not passed any speaking order.

5. Per contra, learned AGP has supported the action of the respondents and has invited our attention to page No 39 claiming that the objection was duly considered.

6. In the aforesaid background, we have gone through the case record, so also, given thoughtful consideration to the issues involved.

7. The principal contention of the petitioners that their objection should have been considered while passing final Electoral Circles Formation Order and speaking order should have been passed is required to be tested from page No. 39 of the petition. If page No. 39 which is in tabular form deciding the objection is perused, it would reveal that it mentions name of the objector, nature of the objection, election division, remarks by the Deputy Collector/Tahsildar, remarks of the Collector and after hearing, decision of the Divisional Commissioner. It would reveal that the nature of objection raised by the petitioners is mentioned in detailed. Not only this, remarks of the Deputy Collector/Tahsildar is also at length. Further remark of the Collector shows that the reasons given are in depth. Though, the Divisional Commissioner has briefly stated that he is in agreement with the remarks given by the Collector and objection is rejected, it does not mean that the respondent Commissioner has not applied his mind to the issue raised in objection. Judgment relied upon by the petitioners in case of *Assistant Commissioner, Commercial Tax Department*,

Works Contract and Leasing, Kota Vs. Shukla and Brothers (2010)4 SCC 785, more particularly, paragraph 10 that authorities are duty bound to apply its mind and dispose of the matter by reasoned or speaking order, cannot be disputed. The said judgment cannot be made applicable to the case in hand as though by brief reasons objection has been rejected by the Commissioner but page No. 39 clearly shows that every aspect of the matter was taken into consideration.

In that view of the matter, petition is dismissed.

(RAJNISH R. VYAS, J)

(ANIL S. KILOR, J)