
(2025) 09 BOM CK 0331

In the Bombay High Court, Aurangabad Bench

Case No : Writ Petition No. 10237 Of 2025 With Civil Application No. 8823 Of 2025

Abhijeet S/o Diliprao Deshmukh

APPELLANT

Vs

State Of Maharashtra

RESPONDENT

Date of Decision : 19-09-2025

Acts Referred:

Constitution of India, 1950 — Article 226, 243C, 243K, 243O, 243ZG, 327, 329(a)

Citation : (2025) 09 BOM CK 0331

Hon'ble Judges : Manish Pitale, J;Y. G. Khobragade, J

Bench : Division Bench

Advocate : Bhargav B. Kulkarni, Milind M. Patil Beedkar, Sachindra Shetye, Chinmay V. Kini, Suraj Chakor, A. B. Girase, S. K. Tambe, A. R. Kale, Neha B. Kamble, R. K. Ingle

Final Decision : Dismissed

Judgement

Manish Pitale, J

1. Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, the petitions are heard finally, at the stage of admission.
2. This bunch of writ petitions challenges final notification of ward formation in various districts of the State of Maharashtra, in the light of the impending local body elections to be conducted in the State. Some of the petitions were filed at a point of time when the final notification was yet to be issued and, therefore, upon the final notification being issued, such petitions were amended and various grounds of challenge have been raised in these petitions.
3. The specific grounds raised in these petitions will be dealt with in this judgment and order, but, before proceeding to do so, it is imperative to first refer to the question of jurisdiction available with this Court under Article 226 of the Constitution of India, to interfere with such final notification, which necessarily calls upon this Court to consider whether inclusion or exclusion of certain villages

is justified while laying down the boundaries of such wards / electoral divisions / electoral colleges.

4. The Supreme Court and this Court in a number of judgments, has referred to the relevant provisions of the Constitution of India, concerning various steps to be taken by the concerned authorities for conducting elections, which necessarily includes delimitation of constituencies / electoral divisions / electoral colleges. Various Articles of the Constitution, including Article 243-O, lay down the limitations on the power of interference by Courts in electoral matters, which includes questioning the validity of any law relating to delimitation of constituencies or allotment of seats made under Article 243-K of the Constitution. In fact, such a power is found in respect of various local bodies under Article 243-ZG of the Constitution of India and even Article 329(a) thereof. These Articles have come up for consideration of the Supreme Court and this Court, on various occasions and, therefore, it would be necessary to refer to the law laid down therein, before considering the challenges raised in these petitions.

5. In the case of *State of U.P. Vs. Pradhan Sangh Kshetra Samiti* (1995) Supp (2) SCC 305, the Supreme Court held as follows:-

"44. It is for the Government to decide in what manner the panchayat areas and the constituencies in each panchayat area will be delimited. It is not for the court to dictate the manner in which the same would be done. So long as the panchayat areas and the constituencies are delimited in conformity with the constitutional provisions or without committing a breach thereof, the courts cannot interfere with the same. We may, in this connection, refer to a decision of this Court in *The Hingir-Rampur Coal Co. Ltd. and Others v. The State of Orissa and Others* [(1961) 2 SCR 537]. In this case, the petitioner-mineowners, had among others, challenged the method prescribed by the legislature for recovering the cess under the Orissa Mining Areas Development Fund Act, 1952 on the ground that it was un-constitutional. The majority of the Bench held that the method is a matter of convenience and, though relevant, has to be tested in the light of other relevant circumstances. It is not permissible to challenge the vires of a statute solely on the ground that the method adopted for the recovery of the impost can and generally is adopted in levying a duty of excise.

45. What is more objectionable in the approach of the High Court is that although clause (a) of Article 243-O of the Constitution enacts a bar on the interference by the courts in electoral matters including the questioning of the validity of any law relating to the delimitation of the constituencies or the allotment of seats to such constituencies made or purported to be made under Article 243-K and the election to any panchayat, the High Court has gone into the question of the validity of the delimitation of the constituencies and also the allotment of seats to them. We may, in this connection, refer to a decision of this Court in *Meghraj Kothari v. Delimitation Commission & Ors.* [(1967) 1 SCR 400]. In that case, a notification of the Delimitation Commission whereby a city which had been a general constituency was notified as reserved for the Scheduled

Castes. This was challenged on the ground that the petitioner had a right to be a candidate for Parliament from the said constituency which had been taken away. This Court held that the impugned notification was a law relating to the delimitation of the constituencies or the allotment of seats to such constituencies made under Article 327 of the Constitution, and that an examination of sections 8 and 9 of the Delimitation Commission Act showed that the matters therein dealt with were not subject to the scrutiny of any court of law. There was a very good reason for such a provision because if the orders made under sections 8 and 9 were not to be treated as final, the result would be that any voter, if he so wished, could hold up an election indefinitely by questioning the delimitation of the constituencies from court to court. Although an order under Section 8 or 9 of the Delimitation Commission Act and published under Section 10 (1) of that Act is not part of an Act of Parliament, its effect is the same. Section 10 (4) of that Act puts such an order in the same position as a law made by the Parliament itself which could only be made by it under Article 327. If we read Articles 243-C, 243-K and 243-O in place of Article 327 and sections 2 (kk), 11-F and 12-BB of the Act in place of Sections 8 and 9 of the Delimitation Act, 1950, it will be obvious that neither the delimitation of the panchayat area nor of the constituencies in the said areas and the allotments of seats to the constituencies could have been challenged nor the Court could have entertained such challenge except on the ground that before the delimitation, no objections were invited and no hearing was given. Even this challenge could not have been entertained after the notification for holding the elections was issued. The High Court not only entertained the challenge but has also gone into the merits of the alleged grievances although the challenge was made after the notification for the election was issued on 31st August, 1994."

6. In said case, the High Court had interfered with such delimitation of constituencies, but, the Supreme Court set aside the order of the High Court in the light of the narrow window available for interference, in such matters.

7. In the case of Anugrah Narain Singh and another Vs. State of U.P.; 1996 (6) SCC 303, a similar question considering scope of jurisdiction of the High Court under Article 226 of the Constitution of India in such matters, came up for consideration. After referring to the aforesaid bar from interference, the Supreme Court held that if interference is allowed under Article 226 of the Constitution of India, several elections will be indefinitely delayed and it will not be possible to comply with the mandate of the Constitution, which requires fresh elections to be held immediately upon the life of an elected body expiring or it being dissolved.

8. In the case of Jadhav Shankar Dnyandeo Vs. Collector, Satara; 2010(6) Mh.L.J. 109, a Division Bench of this Court, following the dictum laid down in the case of State of U.P. V. Pradhan Sangh Kshetra Samiti (supra), held as follows :-

"The plain reading of the above referred observations made by the Apex Court would show that if provisions of Article 243 -C, 243-K and 243-O are read together the delimitation of Panchayat area or the formation of the constituencies

in the said areas and allotments of seats to the constituencies could be challenged nor the court can entertain such challenge except on the ground that before delimitation, no objections were invited and no hearing was given, even though this challenge also could not be entertained after the notification for holding the election is issued. The law declared by the Apex Court is loud and clear and prohibits courts to entertain challenge in view of Article 243 -C, 243-K read with 243-O in respect of the above aspects, and therefore the challenge raised by the petitioners pertaining to delimitation of Panchayat area or that of formation of constituency in the said area as well as allotment of seat to such constituencies cannot be entertained by this court since the objections were invited, petitioners have raised objections, hearing was given to them and it is only thereafter the objections were rejected by the Collector Satara by passing impugned order. The contentions canvassed by the petitioners based on Rule 2 (5) of BVP Rules, 1966 as well as Section 4 of MLR Code as well as Section 4(2) of the BVP Act in view of Article 243-C, Article 243-K and 243 -O coupled with the law declared by the Apex Court in State of Uttar Pradesh (cited supra) is devoid of substance.”

9. Thus, it was held that since the concerned authority had invited objections, given hearing on such objections and then finalized the notification, there was no scope for interference under Article 226 of the Constitution of India. In the case of Punjabrao Shrihari Wadje Patil Vs. State of Maharashtra (Judgment and order dated 16.01.2017 in writ petition no. 154 of 2017 and connected Petitions), a Division Bench of this Court followed the aforesaid position of law and upon considering the facts of the said case, held as follows :-

“10. We have perused the reasoned orders passed by the Divisional Commissioner. The Divisional Commissioner has passed well reasoned orders and has given reasons why in some cases he has not accepted proposals given by the Collector and also considered the objections of the objectors. It cannot be said that the exercise done by the Divisional Commissioner is arbitrary.

11. Taking into consideration all these aspects and in view of the specific bar under Article 243-O of the Constitution of India, we are of the view that no case is made out for interference with the orders passed by the Divisional Commissioner.”

10. In the case of Anant Baburao Golait (Gahilot) Vs. State Election Commission of India and others (Judgment and order dated 07.07.2022 in writ petition no. 6765 of 2022 and connected petitions), after referring to the said position of law, laid down by the Supreme Court and followed by this Court, a Division Bench of this Court held as follows :-

“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."

11. Considering the fact that in some of the petitions, before this Court, the petitioners had not even raised any objection within the stipulated period of time and, thereafter, they are seeking to challenge the final notification, the observations made by a Division Bench of this Court in the case of Anil Ramchandra Chondhe V/s. State of Maharashtra and others; 2021 SCC OnLine Bom 2249 (Judgment dated 13.01.2021 in writ petition (St.) no. 97619 of 2020), assume significance. Relevant portion reads as follows :-

"17. In the instant case, the Tahsildar had given an opportunity to all concerned, including the Petitioner to file his objections and suggestions with regard to the formation of wards and reservation of seats between 7th February, 2020 to 14th February, 2020. However, admittedly the Petitioner chose not to file any objections or suggestions within the time prescribed. If the Petitioner would have filed his objections/suggestions between 7th February, 2020 and 14th February, 2020, the SDO would have enquired into the same, given a hearing to the Petitioner and submitted his report to the Collector. It is only after the SDO submitted his Report to the Collector and after a final notification was issued in November 2020, that the Petitioner woke up from his slumber and has attempted to impugn the delimitation/reservation/formation of wards. In view of the decision of this Court in the case of Jadhav Shankar Dyandeo (supra), which follows the decision of the Apex Court in State of Uttar Pradesh (supra), the grievance raised by the Petitioner at this late stage, i.e. when the elections are to be held on 15th January, 2021, cannot be entertained. The Apex Court in the case of Anugrah Narain Singh and another v. State of U.P. and others held, "Moreover, it is well settled by now that if the election is imminent or well under way, the Court should not intervene to stop the election process. If this is allowed to be done, no election will ever take place because someone or the other will always find some excuse to move the Court and stall the elections." However, it is clarified that the Petitioner can always pursue the remedy provided

under Section 15 of the Maharashtra Village Panchayats Act, 1959. If the said remedy is pursued, it will be open for the parties to raise all their contentions. The above Writ Petition is accordingly dismissed.”

12. In a recent judgment and order passed on 22.08.2025 by a Division Bench of this Court at Nagpur in the case of Shri Dilip S/o Rambhau Jadhav and others Vs. State of Maharashtra and others (Judgment and order dated 22.08.2025 in writ petition no. 4627 of 2025), again the said well settled position of law was referred to and relied upon while dismissing the writ petition. In this judgment and order, the Division Bench of this Court specifically referred to an order dated 06.05.2025 passed by the Hon’ble Supreme Court in SLP (Civil) No. 19756 of 2021, directing local body elections to be held in State of Maharashtra within 4 months from the date of the order. The relevant observations made in the said judgment and order, read as follows :-

“xvi] An objection in the ward formation process, particularly as regards to the inclusion or exclusion a certain part out of area and attachment or detachment from certain part, is a purely disputed question of facts. While dealing with writ petition under Article 226 of the Constitution of India in a challenge to the ward formation on the ground of such attachment or detachment, we are cautious that we are not sitting in an Appeal over the decision taken by the authorities designated for the election purpose. Such disputed question of facts could very well be addressed in an appropriate proceeding i.e. Election Petition.

....

....

xix] We are extremely cautious of the fact that the present election processes are being conducted under the orders of the Hon’ble Supreme Court in Special Leave to Appeal (C) No.19756/2021 with connected matters. We are cautious that any order or direction varying or postponing any election stages of ongoing election would not only disturb the election process, but would result into delaying the schedule of election process mandated by the Hon’ble Supreme Court. For this reason also, none of the prayers in the writ petition can be entertained at this juncture and in the present writ petition.”

13. It is in the backdrop of the aforesaid settled position of law, that this Court has taken up the instant petitions for consideration. It is to be reiterated that since local body elections in the State of Maharashtra have not been taken place for considerable period of time, the Supreme Court in Special Leave to Appeal (C) No.(s) 19756 of 2021 (Rahul Ramesh Wagh Vs. The State of Maharashtra and others), in its order dated 06.05.2025, issued specific directions, which are as follows :-

“5. Consequently, subject to the outcome of these proceedings and without prejudice to the issues raised on behalf of the rival parties, we deem it appropriate to issue the following directions to the State of Maharashtra/State

Election Commission:

(i) The elections to the local bodies shall be notified by the State Election Commission within four weeks;

(ii) The reservation shall be provided to the OBC communities as per the law as it existed in the State of Maharashtra prior to the 2022 Report of the Banthia Commission;

(iii) An endeavour shall be made to conclude the elections within a period of four months. However, the State Election Commission shall be at liberty to seek extension of time in appropriate cases; and

(iv) The Elections shall be held subject to the outcome of these proceedings.”

14. Thus, it is evident that the Supreme Court has emphasized upon the need to hold elections in a democracy, so that local self government, contemplated under the scheme of the Constitution, is achieved at the earliest.

15. In the present case, there is no dispute about the fact that by exercising power under the provisions of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Act of 1961), the respondent - State issued order dated 12.06.2025, laying down the procedure for delimitation of constituencies / electoral divisions / electoral colleges for the forthcoming elections to the Zilla Parishads and Panchayat Samitis. This order lays down the procedure, which led to issuance of final notification. The timeline for taking various steps as per the said order dated 12.06.2025, was as follows :-

Sr. No.

Details

Statutory Timeline

1.

Draft Electoral Divisions/Colleges published by District Collectors

14.07.2025

2.

Last date for filing objections/suggestions

21.07.2025

3.

Reports / Opinions by Collectors to be submitted to Divisional Commissioners.

28.07.2025

4.

Hearings to be completed by Divisional Commissioners and orders are to be passed.

11.08.2025

5.

Publication of Final Electoral Divisions/Colleges is to be published in Gazette by District Collector.

18.08.2025

16. It is undisputed that the last date for publication of final notification of electoral division / electoral colleges, was extended to 22.08.2025. There is also no dispute about the fact that the persons who had raised objections to the draft notification, were given hearing, and, thereafter, the final notification was published in the official gazette by the respondent - District Collector.

17. A perusal of the Government Order dated 12.06.2025 shows that the last Census i.e. Census of 2011, has been taken as the basis for taking decisions on the matter of deciding boundaries and delimitation of final electoral divisions / electoral colleges. It is specified that the boundaries and ward formations of electoral divisions / electoral colleges undertaken in the year 2017, would be a relevant consideration and further that the concerned authorities while taking such decision, would start from the North of the District, moving to the North-East, then to the East and, thereafter, to the West and finally to the South in a zig-zag manner for determining the boundaries. It was also specified that the geographical contiguity as well as the natural boundaries such as rivers, nallahs, mountains, flyovers etc. would be a relevant consideration. It was also specified in the Government order that Gram Panchayats ought not to be divided as far as possible. Other relevant considerations were also provided, including the convenience of the voters. The Government order further provided the manner in which the draft notification would be publicized and, thereupon, objections would be invited, heard and final notification would be issued.

18. Having perused the Government order dated 12.06.2025, we are of the opinion that the petitioners have not been able to make out a case to hold that the respondents have exercised the power in an arbitrary or malicious manner. In fact, the Government order dated 12.06.2025 and the timelines, as also the procedure prescribed therein, are found to be in consonance with the Constitutional scheme.

19. In fact, the petitioners have not seriously challenged the Government order dated 12.06.2025, but most of the grounds raised in these petitions allege violation of the procedure prescribed in the said Government order itself, indicating arbitrariness on the part of the respondents while issuing the final notification.

20. In the light of the above mentioned position of law, with regard to the scope

of interference under Article 226 of the Constitution of India, we find that there is a very narrow scope for interference and that the petitioners have an extremely uphill task to satisfy this Court that in an individual case, interference is warranted. This Court, exercising jurisdiction under Article 226 of the Constitution of India, would be loath to lightly interfere with the final notification, in the light of the Constitutional bar to interference in such matters.

21. As noted herein-above, since local body elections in Maharashtra have not been conducted for a considerable period of time, the Supreme Court, in the above mentioned order dated 06.05.2025, passed in the case of Rahul Ramesh Wagh Vs. The State of Maharashtra and others (Special Leave to Appeal (C) No. 19756 of 2021), has emphasized upon the need to conduct such elections at the earliest. In fact, the said order indicates that such elections be conducted within 4 months of the date of the order. Therefore, unless the petitioners are able to make out a compelling case for interference; this Court would not be inclined to show any indulgence, as it would amount to derailing the process of elections to local bodies in the State of Maharashtra.

22. It is in this backdrop, that we are taking up individual cases for consideration.

[I]

WRIT PETITION NO. 10237 OF 2025 WITH CA/8823/2025

23. Mr. Bhargav B. Kulkarni, learned counsel appearing for the petitioner submitted that in the present case, the petitioner had raised various objections to the manner in which the draft notification determined the electoral divisions / electoral colleges for Taluka - Kalamnuri, District - Hingoli.

24. It was submitted that in the present case, the petitioner had submitted his objection even before the draft notification was prepared. After the final notification was issued, the petition was amended to raise further grounds of challenge. It was submitted that while some of the objections were partly accepted, the others were rejected in a most arbitrary and illegal manner. In this regard, reference was made to the map of the said Taluka and it was sought to be demonstrated that the respondents had not even followed the stipulations in the Government order dated 12.06.2025, demonstrating arbitrariness.

25. On the other hand, Mr. A.B. Girase, learned Government Pleader invited attention of this Court to the manner in which the objections raised by the petitioner were dealt with by the respondent - Divisional Commissioner, on the basis of inputs given by the Deputy Collector / Tahsildar as well as the Collector of the District. It was submitted that proper hearing was given and for the reasons recorded in writing, the objections were dealt with and the final notification was issued. It was submitted that there was no question of any arbitrariness or malice and, therefore, the petition deserved to be dismissed.

26. Mr. Sachindra Shetye, learned counsel appearing for the respondent - State Election Commission emphasized upon the extremely narrow scope available in

such matters and supported the contentions on facts raised by the learned Government Pleader.

27. We have considered the rival submissions. We have also perused the map of Taluka - Kalamnuri, District - Hingoli. The document at Exhibit - G shows the manner in which the objections raised by the petitioner were dealt with in detail by the respondent - Divisional Commissioner. Proper hearing was granted and inputs given by the Deputy Collector / Tahsildar as well as the respondent - Collector were taken into consideration. We find that the petitioner in this petition appears to have raised objections with regard to the entirety of the Taluka, claiming that the stipulations in the Government order dated 12.06.2025 were also not followed. But, the manner in which the objections have been dealt with by the respondent - authorities, shows that there is indeed application of mind, upon proper hearing being granted to the petitioner and specific reasons have been recorded for the manner in which boundaries of the electoral divisions and electoral colleges were determined in the final notification.

28. We find that the zig-zag pattern contemplated in Government order dated 12.06.2025 was broadly followed by the authorities and the other considerations with regard to natural boundaries and balancing population while maintaining 10% margin were applied while determining the boundaries. In writ jurisdiction, this Court cannot tinker with inclusion or exclusion of a village while finalizing electoral divisions and electoral colleges. It is also to be noted that since number of electoral divisions and electoral colleges in certain instances were increased, there was bound to be change as compared to such electoral divisions and electoral colleges determined on earlier occasions. No case is made out for interference in this petition and accordingly, it is dismissed.

[II]

WRIT PETITION NO. 10362 OF 2025

WITH

WRIT PETITION NO. 10366 OF 2025

AND

WRIT PETITION NO. 10397 OF 2025

29. In these petitions, the petitioners had not raised any objection to the draft notification issued by the respondent - authorities. It is their case, that since they were satisfied with the draft notification, there was no occasion for them to raise objection. The grievance of the petitioners is that objections raised by some of the private respondents were illegally and illogically accepted, prompting the petitioners to file the instant petitions. We are of the opinion that if petitions filed by such petitioners are entertained, it would be an endless exercise as, either the petitioners or the respondents or even third parties would have series of grievances and objections with regard to finalization of the boundaries of

electoral divisions / electoral colleges. If such petitions are routinely entertained, it would lead to derailing the electoral process, which cannot be countenanced in the light of the position clarified by the Supreme Court and this Court in the afore-mentioned judgments. Therefore, the scope for entertaining and considering such petitions is even narrower.

30. Nonetheless, we heard the learned counsel for the petitioners in these petitions. The principal contention raised in these petitions, was that objections raised by the private respondents were wrongly accepted, as a consequence of which the boundaries of electoral divisions / electoral colleges in Taluka Jamkhed, District - Ahilyanagar were arbitrarily changed, to the detriment of the petitioners and other voters. It was submitted that such boundaries were deliberately changed to benefit certain political parties, demonstrating malice and arbitrariness. It was submitted that the petitioners and other voters of specified villages would suffer inconvenience if the final notification as regards said Taluka - Jamkhed, District - Ahilyanagar, is not interfered with.

31. On the other hand Mr. A.B. Girase, learned Government Pleader referred to the Annexure - E in writ petition no. 10362 of 2025, as also other such documents filed in the accompanying petitions, giving the details of the manner in which the objections were partly accepted by taking into consideration the directions contained in Government order dated 12.06.2025.

32. Mr. Sachindra Shetye, learned counsel appearing for the State Election Commission emphasized upon the narrow scope of interference and hence, prayed for dismissal of the writ petition.

33. We have considered the rival submissions.

34. The documents on record show that the objections raised by the private respondents were taken into consideration, proper hearing was granted and for reasons recorded in writing, some of the objections were accepted, leading to determination of the boundaries of the electoral divisions / electoral colleges, in a particular manner in the final notification.

35. The reasons recorded in said documents show that natural boundaries, convenience of voters, the factor regarding increase of electoral divisions / electoral colleges and the need to ensure the population balance, were taken into consideration while finalizing the boundaries of the electoral divisions / electoral colleges. We are unable to reach a finding that the final notification as regards Taluka - Jamkhed, District - Ahilyanagar arbitrarily determined such boundaries or that the said exercise was undertaken maliciously, in order to benefit certain parties.

36. In any case, as noted herein-above, the petitioners had never raised any objection and the objections raised by the private respondents have been logically taken into consideration in the light of the procedure specified in Government order dated 12.06.2025. Therefore, in the light of the limited scope

available for this Court in such matters, we are not inclined to interfere with the final notification as regards the said Taluka.

37. In the light of above, the aforesaid petitions are dismissed.

[III]

WRIT PETITION NO. 10408 OF 2025

38. The petitioner in this petition has challenged the final notification in respect of Taluka - Mahur, District - Nanded, claiming that village Anjankhed has been arbitrarily deleted from electoral division Wai Bazar and it has been wrongly included in the electoral division - Wanola.

39. Mr. Prashant Katneshwarkar, learned senior counsel appearing for said petitioner, referred to the map of the said taluka and sought to impress upon this Court that the said change of boundaries made in the final notification was with the ulterior motive of benefitting certain political parties. It was emphasized that the map would show that village Rui was correctly included earlier in the Wanola electoral division and Anjankhed village was properly included in Wai Bazar electoral division, but the situation was maliciously and arbitrarily reversed. The distance between the said villages and the electoral division in which they were included, was emphasized upon to show that great inconvenience would be caused to the voters like the petitioners in the said Taluka.

40. On the other hand, Mr. Girase, learned Government Pleader invited attention of this Court to the reply affidavit and particularly, the contents of document recording the reasons why certain objections raised in respect of the said Taluka were considered and determined. It was submitted that a perusal of the reasons recorded in the said document demonstrated that the Government order dated 12.06.2025 was scrupulously followed and that there was no scope for interference.

41. Mr. Sachindra Shetye, learned counsel appearing for the State Election Commission emphasized upon the narrow scope of interference and hence, prayed for dismissal of the writ petition.

42. We have perused the documents on record, including the map of Taluka - Mahur, District - Nanded, as also the document recording reasons why the respondent - authorities took a specific decision with regard to the aforesaid two villages in respect of their inclusion and exclusion in the two electoral divisions. Having perused the same, we find that proper hearing was granted to the objectors, objections were taken into consideration and upon referring to the requirements of Government order dated 12.06.2025, specific decisions were taken in the final notification while determining the boundaries of the two electoral divisions as also the electoral colleges.

43. We find that the aspect of balancing population in the electoral divisions was specifically taken into consideration by the respondent - authorities. In the light

of the law referred to herein-above, this Court in writ jurisdiction, would not interfere on the question of inclusion / exclusion of villages in electoral divisions, so long as the reasons are recorded. The petitioners are unable to demonstrate any malice or arbitrariness in the said exercise. It is obvious that this Court in writ jurisdiction, will look into the procedure followed but, this Court would not sit in appeal on merits over the decision taken by the respondent - authorities, particularly in the light of the constitutional bar noted herein-above.

44. Hence, the aforesaid writ petition is found to be without any merit and accordingly, it is dismissed.

[IV]

WRIT PETITION NO. 10565 OF 2025

45. This petition also concerns Taluka - Mahur, District - Nanded. In this petition, the petitioner is aggrieved by rejection of his objection of deleting village Rui from certain electoral colleges and including it in electoral colleges of Wai Bazar. Objection is raised to inclusion of village Anjankhed in Wanola electoral division. It is alleged that the entire exercise is malicious, for the reason that it benefits a particular political formation, to the detriment of others, apart from causing inconvenience to the voters like the petitioners.

46. As noted herein-above, while deciding writ petition no. 10408 of 2025 concerning this very Taluka of District - Nanded, the respondent - authorities considered the objection in detail, gave proper hearing and, thereupon, reached a conclusion whereby the boundaries of the two electoral divisions and the electoral colleges forming part thereof, were determined by exercising power as per the Government order dated 12.06.2025. The document on record shows that detailed reasons were recorded, including the requirement of maintaining balance of population, in the electoral divisions / electoral colleges.

47. Although, the learned counsel for the petitioner Mr. Nagargoje vehemently submitted that the entire exercise was undertaken arbitrarily, we are in agreement with the contentions raised on behalf of the respondent - authorities by Mr. Girase, learned Government Pleader and we decline to interfere in the final notification as regards Taluka - Mahur, District - Nanded.

48. The writ petition is dismissed.

[V]

WRIT PETITION NO. 10568 OF 2025,

WRIT PETITION NO. 10569 OF 2025,

WRIT PETITION NO. 10570 OF 2025

WRIT PETITION NO. 10572 OF 2025

WRIT PETITION NO. 10574 OF 2025

AND

WRIT PETITION NO. 10575 OF 2025

49. All these petitions concern objections raised with regard to determination of boundaries in the final notification of electoral divisions / electoral colleges concerning Taluka - Jamkhed, District - Ahilyanagar.

50. Mr. Shaikh Ashpak Patel, learned counsel for the petitioners in these petitions submitted that the objections raised by the petitioners with regard to inclusion of certain villages in electoral divisions of Sakat, Kharda and Jawala were wrongly decided when the final notification was issued.

51. Learned counsel for the petitioner referred to the map and tried to impress upon this Court that even a visual impression, would indicate the arbitrariness of the exercise undertaken by the respondent and grave inconvenience would be caused to the voters like the petitioner, if the final determination of such boundaries was to be upheld by this Court. It was submitted that the objections were not properly heard and determined by the respondent - authorities.

52. On the other hand, Mr. Girase, learned Government Pleader relied upon the reply affidavits filed in these petitions and he placed particular reliance on the documents showing the recording of reasons while dealing with the objections raised in these matters.

53. We have perused the documents recording reasons while determining the objections raised in these matters.

54. We find that the reasons recorded while dealing with the objections, specifically relied upon Government order dated 12.06.2025. The factors regarding zig-zag pattern to be followed, as far as possible, populations being balanced with margin of 10%, natural boundaries being taken into consideration were applied. Thereupon, the notification was finalized with regard to the aforesaid Taluka - Jamkhed in District - Ahilyanagar. Considering the narrow scope of interference in writ jurisdiction in such matters, we are of the opinion that the petitioners have failed to make out a case in their favour.

55. It cannot be said that the petitioners have been able to demonstrate malice on the part of the respondent - authorities or that proper hearing was not granted while reaching findings, thereby demonstrating that the petitioners have not been able to convince this Court to hold in their favour despite the Constitutional bar noted herein-above.

56. Mr. Sachindra Shetye, learned counsel appearing for the State Election Commission emphasized upon the narrow scope of interference and hence, prayed for dismissal of the writ petition.

57. Hence, we are unable to agree with the petitioners and all these petitions are also dismissed.

[VI]

WRIT PETITION NO. 10571 OF 2025

WITH

CIVIL APPLICATION NO. 9748 OF 2025

AND

CIVIL APPLICATION NO. 9815 OF 2025

58 This petition raises grievance in respect of boundaries of electoral divisions / electoral colleges in Loha and Kandhar Taluka of District - Nanded. The petitioner is aggrieved by objections raised by certain persons being accepted and changes being made in the boundaries while issuing the final notification. The petitioner claims that the draft notification was based on the boundaries that were determined when earlier elections were conducted and there was no reason to change the boundaries. According to the petitioner, objections were wrongly dealt with and hence, the final notification in respect of the aforesaid 2 Talukas of District - Nanded need interference.

59. Applicants in the Civil Application seek intervention as they were the persons who had raised the objections, leading to the boundaries being determined and changed in the final notification.

60. The grounds raised in the present petition show that according to the petitioner, certain villages ought not have been included and other villages ought to have been excluded from Loha and Kandhar Talukas of District - Nanded. It is alleged that such an exercise is not just arbitrary, but, it is undertaken with the intention of politically benefiting certain parties. Since the petitioner intends to contest election, this is operating to his detriment.

61. The applicants in the intervention application submit that the petitioner has deliberately not made them parties, in order to snatch orders from this Court behind their back.

62. Mr. V.D. Hon, learned Senior counsel appearing for the petitioner referred to the map of the two Talukas and he submitted that the objections were wrongly accepted and even the procedure contemplated in the Government order dated 12.06.2025 was not scrupulously followed by the authorities. Allegations of malice, arbitrariness were vehemently raised on behalf of the petitioners and it was submitted that even if the narrow scope of interference indicated in the judgments of the Supreme Court and this Court was to be applied, this was a fit case for interference with the final notification concerning the aforesaid two Talukas of District – Nanded.

63. Mr. Girase, learned Government Pleader vehemently opposed the said contentions. He referred to and relied upon the documents recording reasons for disposing of the objections concerning the said two Talukas and he submitted

that no interference is warranted in the present case.

64. We have considered the rival submissions. Upon perusing the maps of the two talukas, we find that the objections raised to the draft notification, were dealt with by the respondent – authorities after giving a proper hearing to the objectors. The authorities found that upon applying Government order dated 12.06.2025 while considering the said objections, the boundaries needed to be changed in a particular manner, so as to maintain the balance of population within the 10% limit and also to properly ensure that geographical contiguity was applied, while determining electoral divisions / electoral colleges for the convenience of the population.

65. Having perused the documents on record, we find that the procedure followed by the respondent – authorities cannot be said to be arbitrary. Inclusion / exclusion of villages was undertaken on the basis of the factors indicated in the Government order dated 12.06.2025 and, hence, we find that the petitioners have failed to make out a case to overcome the Constitutional bar, for this Court to exercise writ jurisdiction in the matter.

66. The writ petitions are found to be without any merit and, accordingly, they are dismissed and civil applications are disposed of.

[VII]

WRIT PETITION NO. 10806 OF 2025

AND

WRIT PETITION NO. 10818 OF 2025

67. These two petitions concern the determination of boundaries of electoral divisions / electoral colleges as regards Taluka – Degloor, District – Nanded.

68. Mr. Umakant B. Deshmukh, learned counsel appearing for the petitioners in these petitions submitted that the arbitrariness of the respondent – authorities is writ large insofar as the said Taluka – Degloor, District – Nanded is concerned. It was submitted that the guidelines contained in Government order dated 12.06.2025 have been flagrantly violated by the authorities. It was vehemently submitted that village Yergi has been literally cut-off from the electoral division of Markhed in which it was previously included and it has been artificially included in the electoral division – Karadkhed by the respondent – authorities. It was emphasized that the voters in village Yergi will have to cross over into the State of Telangana and then come back into the State of Maharashtra. It has been arbitrarily included in the electoral division – Karadkhed of the said Taluka. It was further submitted that village Gawandgaon, although being in close proximity of Karadkhed, has been wrongly included in electoral division – Markhed, although it is at a considerable distance from Markhed. It was submitted that during earlier elections, these villages were correctly included in their respective electoral divisions and the re-determination of the boundaries as a whole, is

arbitrary and even malicious.

69. In response, Mr. Girase, learned Government Pleader submitted that the distance between village Yergi and Karadkhed was taken into consideration and the proximity of the said village to the Valag electoral college, as also the factor of population ratio was taken into consideration while shifting Yergi into Karadkhed electoral division. The aspect of population ratio was emphasized upon, while justifying the inclusion of Gawandgaon in Markhed electoral division. Attention of this Court was invited to the reasons recorded by the respondent – authorities while disposing of the objection and determining the boundaries of the electoral division.

70. This Court has perused the map of Taluka – Degloor, District – Nanded. It has a peculiar shape and, therefore, the zig-zag pattern to be followed as per Government order dated 12.06.2025 necessitated certain steps to be taken by the respondent – authorities. The reasons recorded in the document disposing of the objections is also emphasized upon by the learned Government Pleader. Reply affidavits show that proper hearing was granted to the objectors and thereupon, the inclusion and exclusion of villages took place.

71. We find that reasons have been recorded by the respondent – authorities after considering the objections and applying the factors specified in the Government order dated 12.06.2025, which included the maintenance of population ratio with 10% margin, availability of State highway for residents of village Yergi and other such factor being taken into consideration while finalizing the boundaries of the electoral divisions / electoral colleges.

72. In view of the narrow scope available for this Court to interfere in such matters, we are unable to agree with the learned counsel appearing for the petitioners that the final notification in respect of Taluka – Degloor, District – Nanded, needs any interference. The writ petition is dismissed.

[VIII]

WRIT PETITION NO. 10814 OF 2025

WRIT PETITION NO. 10893 OF 2025

AND

WRIT PETITION NO. 10892 OF 2025

WRIT PETITION NO. 10894 OF 2025

WRIT PETITION NO. 10895 OF 2025

73. All these petitions concern Taluka – Kaij, District Beed.

74. The petitioner in writ petition no. 10814 of 2025 is aggrieved due to rejection of his objection regarding deletion of village Bhatumba from Yusuf Wadgaon electoral division and its inclusion in the Hol electoral division. The petitioner in

writ petition no. 10893 of 2025 is aggrieved by rejection of his objection for deletion of village Ladewadgaon from Hol electoral division and its inclusion in Adas electoral division of Taluka – Kaij, District – Beed.

75. The petitioners in writ petition no. 10892 of 2025 were aggrieved by inclusion of village Ladewadgaon in Hol electoral division and claimed that it ought to be brought back into the Adas electoral division.

76. The petitioner in writ petition no. 10894 of 2025 raised an objection, seeking inclusion of village Bhatumba in Yusuf Wadgaon electoral division and instead claimed that the same ought to be placed in Hol electoral division.

77. Petitioner in writ petition no. 10895 of 2025 is aggrieved by inclusion of village Undri in Adas electoral division and instead claimed that the said village should be included in Tambwas electoral college of the said electoral division.

78. Mr. V.D. Salunke, learned counsel appearing for the petitioners in writ petition no. 10814 of 2025 and writ petition no. 10893 of 2025, as also learned senior counsel Mr. Rajendrraa Deshmukh, appearing for the petitioners in writ petition nos. 10892 of 2025, 10894 of 2025 and 10895 of 2025 vehemently submitted that all the relevant guidelines contained in Government order dated 12.06.2025 were blatantly violated by the respondent – authorities while issuing the final notification with regard to Taluka – Kaij, District – Beed.

79. It was submitted that the specific guidelines pertaining to natural boundaries for maintaining population balance and others were violated, only with a view to benefit certain political formations. In any case, it was submitted that such villages, as referred to herein-above, were earlier correctly included in their respective electoral divisions / electoral colleges and that the boundaries were unnecessarily changed, thereby disturbing the whole balance of the said Taluka. It was submitted that specific boundaries such as highways etc. were completely ignored in a most arbitrary manner while finalizing the boundaries of electoral divisions / electoral colleges in the said Taluka of District – Beed.

80. On the other hand, Mr. Girase, learned Government Pleader submitted that the zig-zag pattern contemplated in the Government order dated 12.06.2025 was properly followed and while doing so, it was inevitable that the boundaries would have to be re-determined in the light of the guidelines contained in Government order dated 12.06.2025.

81. We have considered the vehement submissions made on behalf of the petitioners in these petitions in the light of the afore-stated position of law, which leaves a very narrow scope for this Court exercising jurisdiction under Article 226 of the Constitution of India, to interfere in such matters.

82. We have perused the map of Taluka – Kaij, District – Beed. We have also perused the documents recording reasons as to why respondent – authorities determined the boundaries of the electoral divisions / electoral colleges in Taluka – Kaij, District – Beed while including / excluding certain villages. We find that

the zig-zag pattern, requiring the respondent – authorities to move in a particular direction, were by and large followed. The nitty gritty of inclusion and exclusion of villages, appears to be based on ensuring the population balance / ratio within the 10% margin and, therefore, it cannot be said that the notification with regard to Taluka – Kaij, District – Beed, can be said to be falling short of the requirements of the law.

83. The petitioners have failed to convince this Court that Constitutional bar has been crossed, for this Court to exercise writ jurisdiction in their favour. Hence, the petitions are dismissed.

[IX]

WRIT PETITION NO. 10821 OF 2025

AND

WRIT PETITION NO. 10824 OF 2025

84. The petitioner in writ petition no. 10821 of 2025 is aggrieved by rejection of his objection with regard to inclusion of village Limbodi in Dhamangaon electoral college, in Taluka – Ashti, District – Beed.

85. The petitioner in writ petition no. 10824 of 2025 is aggrieved by inclusion of village Khilad in Dhanora electoral college of Taluka – Ashti, District – Beed. It is alleged that the said decisions taken by the respondent – authorities, while issuing the final notification, are arbitrary and violate the guidelines contained in Government order dated 12.06.2025 and hence, they deserve to be interfered with.

86. Mr. N.B. Garje, learned counsel appearing for the petitioners in these petitions, referred to the guidelines contained in Government order dated 12.06.2025 and submitted that the clauses pertaining to zig-zag pattern, natural boundaries and maintenance of population ratio, have all been violated in these cases.

87. Mr. Girase, learned Government Pleader relied upon the reply affidavit placed on record, as also the reasons recorded by the authorities and the map of Taluka - Ashti, District – Beed, to justify the final notification in respect of said taluka.

88. We have considered the submissions.

89. We have perused the detailed map appended to the final notification concerning Taluka – Ashti, District – Beed. We find that the zig-zag pattern, requiring the authorities to proceed from the North direction to North-East, then to East and, thereafter, to West and to South, has been followed by the respondents. The other guidelines contained in Government order dated 12.06.2025 have been complied and thereupon, with the object of maintaining population ratio within 10% margin and upon applying the requirement of natural boundaries, certain villages have been included and excluded in the electoral

divisions of Taluka – Ashti, District – Beed.

90. Considering the narrow scope of jurisdiction in terms of the law referred to herein-above, we do not find any substance in the contention raised on behalf of the petitioners and hence, the petitions are dismissed.

[X]

WRIT PETITION NO. 10832 OF 2025

91. By this petition, the petitioner is aggrieved by the decision taken by the respondent – authorities on objections raised by the private respondents with regard to three villages in the Taluka being included in a particular electoral division. It was submitted that although, the respondent – District Collector accepted the recommendation of the Deputy Collector / Tahsildar and suggested that the objections raised by the private respondents be rejected, the respondent – Divisional Commissioner overruled the same and wrongly included villages in Pal electoral division. It was submitted that the reasoning of the Divisional Commissioner, in the present case, is wholly unsustainable and, therefore, interference is warranted.

92. Mr. Ravindra Gore, learned counsel appearing for the petitioner relied upon the submissions made in the petitions, in support of the prayers made therein.

93. On the other hand, Mr. Girase, learned Government Pleader submitted that the objection in the present case was partly accepted by the respondent – Divisional Commissioner for detailed reasons recorded in the document on the record. He relied upon the same. He further relied upon the map of Taluka – Phulambri, District – Chhatrapati Sambhajinagar, placed on record, to contend that all the relevant guidelines contained in the Government order dated 12.06.2025 were followed and, therefore, no interference is warranted.

94. We have perused the documents on record.

95. The document recording reasons by the respondent – authorities indeed shows that the Deputy Collector / Tahsildar and the District Collector had recommended that the objections raised by the private respondents should be rejected, but the Divisional Commissioner partly allowed the objections. We find that while doing so, the Divisional Commissioner recorded detailed reasons. The guideline regarding the population ratio was kept in mind and it was recorded that for maintaining the same within 10% margin provided in the guideline, the objection was being partly accepted. We also find from the map that the other guidelines contained in Government order dated 12.06.2025, including the guideline pertaining to zig-zag pattern, to be followed by the respondent – authorities, was complied with and in such a situation, the inclusion or exclusion of certain villages from electoral division cannot be interfered with, in the light of the narrow scope available to this Court in writ jurisdiction, as per settled law.

96. No case is made out for showing any indulgence to the petitioner in the facts

and circumstances of the case and hence, the writ petition is dismissed.

97. While deciding the aforesaid writ petitions, this Court has applied the settled position of law as laid down by the Supreme Court and this Court in judgments referred to and relied upon, in detail herein-above. It is evident that inclusion or exclusion of villages, is a matter within the domain of the respondent – authorities, so long as they follow the guidelines laid down in terms of the power available under the said Act as well as the Constitution.

98. We find that the respondent – authorities in these cases have followed the guidelines specified in the Government order dated 12.06.2025. The petitioners have not been able to demonstrate arbitrariness on the part of the respondent – authorities or malice on their part while dynamically applying the aforesaid guidelines contained in the Government order dated 12.06.2025. Therefore, the petitioner has failed to make out a case for interference in the final notification with regard to the determination of boundaries of electoral divisions / electoral colleges in various Talukas of said Districts.

99. We are conscious of the fact that if we lightly interfere in such matters, it would result in derailing the entire election process. The concern of the Hon'ble Supreme Court for expeditiously conducting the elections to the local bodies that have been languishing in the State of Maharashtra, is evident from the above quoted portion of the order dated 06.05.2025 passed in SLP (C) No. 19756 of 2021. The Hon'ble Supreme Court expected the elections to be conducted within four months. It is obvious that the said timeline could not be adhered to and, therefore, it was all the more necessary, for this Court to hear and dispose of these writ petitions, at the earliest, so that election process can be proceeded further in a timely manner.

100. In view of the above, the writ petitions are dismissed.

101. Rule is discharged.

102. All pending applications are disposed of.