

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.11127 OF 2025**

UDAY  
SHIVAJI  
JAGTAP

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signed by  
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Date:  
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Sangram Gopal Patil	]	
Age 33 yrs, Occupation : business,	]	
R/o. Pachgao, Taluka – Karveer,	]	
District – Kolhapur.	]	Petitioner
versus		
1. State of Maharashtra	]	
Through Secretary,	]	
Rural Development Department,	]	
Mantralaya, Mumbai.	]	
2. Divisional Commissioner Pune,	]	
Division Pune.	]	
3. Collector Kolhapur,	]	
Tarabai Park, Kolhapur.	]	
4. Sub-Divisional Officer,	]	
Karver,	]	
5. Tahasildar Karveer,	]	
6. Maharashtra State Election Commission,	]	
First Floor, New Administrative Building	]	
Hutatma Rajguru Chowk,	]	
Madam Cama Road, Mumbai – 400 032	]	
Email: <a href="mailto:sec.mh@gov.in">sec.mh@gov.in</a>	]	Respondents

a/w

**WRIT PETITION NO.11126 OF 2025**

Shri Shashikant Shamrao Khot	]	
Age : 52 yrs, Occupation:business,	]	
R/o. Kaneriwadi, Taluka – Karveer,	]	
District – Kolhapur	]	Petitioner

- versus
1. State of Maharashtra ]  
Through Secretary, ]  
Rural Development Department, ]  
Mantralaya, Mumbai. ]
  2. Divisional Commissioner, ]  
Pune Division, Pune. ]
  3. Collector Kolhapur, ]  
Tarabai Park, Kolhapur, ]
  4. Sub-Divisional Officer, ]  
Karver ]
  5. Tahasildar Karveer. ]
  6. Maharashtra State Election Commission, ]  
First Floor, New Administrative ]  
Building, Hutatma Rajguru Chowk, ]  
Madam Cama Road, Mumbai – 400 032 ]
- Email: [sec.mh@gov.in](mailto:sec.mh@gov.in) ] Respondents

a/w

**WRIT PETITION NO.11128 OF 2025**

Sachin Ankush Deshmukh, ]  
Age: 43 yrs, Adult, Occupation : business, ]  
R/o. Maner Mala, Uchgaon, Taluka – Karveer, ]  
District – Kolhapur ] Petitioner

- versus
1. State of Maharashtra ]  
Through Secretary, ]  
Rural Development Department, ]  
Mantralaya, Mumbai. ]
  2. Divisional Commissioner, ]  
Pune Division, Pune. ]
  3. Collector Kolhapur, ]

- Tarabai Park, Kolhapur, ]
4. Sub-Divisional Officer, ]  
Karver ]
5. Tahasildar Karveer. ]
6. Maharashtra State Election Commission, ]  
First Floor, New Administrative ]  
Building, Hutatma Rajguru Chowk, ]  
Madam Cama Road, Mumbai – 400 032 ]
- Email: [sec.mh@gov.in](mailto:sec.mh@gov.in) ] Respondents

**a/w**  
**WRIT PETITION NO.11125 OF 2025**

- Shri Raosaheb Sadashiv Patil, ]  
Age 45 yrs, Occupation : business, ]  
R/o. Gadnudshingi, Taluka – Karveer, ]  
District – Kolhapur. ] Petitioner
- versus
1. State of Maharashtra ]  
Through Secretary, ]  
Rural Development Department, ]  
Mantralaya, Mumbai. ]
2. Divisional Commissioner, ]  
Pune Division, Pune. ]
3. Collector Kolhapur, ]  
Tarabai Park, Kolhapur, ]
4. Sub-Divisional Officer, ]  
Karver ]
5. Tahasildar Karveer. ]
6. Maharashtra State Election Commission, ]  
First Floor, New Administrative ]  
Building, Hutatma Rajguru Chowk, ]

Madam Cama Road, Mumbai – 400 032 ]

Email: [sec.mh@gov.in](mailto:sec.mh@gov.in) ] Respondents

.....

Mr. S.R. Ganbavale i/b Mr. Ruturaj Pawar, for Petitioners.

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. Neha Bhide, G.P, Mr. V.M. Mali, A.G.P, Mr. S.B. Kalel, A.G.P and Ms. T.J. Kapre, for Respondent – State.

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**a/w**

**WRIT PETITION NO.11216 OF 2025**

Abasaheb Sharmrao Bhute ]  
Age: 42 Yrs. Occu – Farmer ]  
R/o – Balewadi, Tal – Atapadi, ]  
Dist – Sangli. ] Petitioner

Versus

1) The Chief Secretary of ]  
The State of Maharashtra, ]  
Mantralaya, Mumbai. ]

2) The Chief Election Commissioner of ]  
The State of Maharashtra ]  
General Administration Department, ]  
6<sup>th</sup> Floor Annex Building, Madam Cama ]  
Marg, Hutatma Rajguru Chowk, ]  
Mantralaya, Mumbai. ]

3) The Divisional Commissioner, ]  
Village Development Department ]  
Pune Division, Pune. ]

4) The Election Commissioner of Sangli ]  
District and District Collector of Sangli ]  
District Sangli Miraj Road, Sangli, ]  
Tal – Miraj, Dist – Sangli ]

5) Sub Divisional Officer, Vita ]

- |    |   |   |             |
|----|---|---|-------------|
|    | Tal – Khanapur, Dist – Sangli           | ] |             |
| 6) | The Election Commissioner of            | ] |             |
|    | Atpadi Taluka and Tahsildar of Atapadi, | ] |             |
|    | Tal – Atapadi, Dist – Sangli            | ] | Respondents |

.....

Mr. Kiran C. Shirguppe, for Petitioner.

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. Neha Bhide, G.P. Mr. V.M. Mali, A.G.P. Mr. S.B. Kalel, A.G.P and Ms. T.J. Kapre, for Respondent – State.

.....

a/w  
**WRIT PETITION NO.11121 OF 2025**

- |    |                                  |   |             |
|----|----------------------------------|---|-------------|
|    | Nitin Kushaba Lavangare          | ] |             |
|    | Age 40 yrs, Occ: Agriculture,    | ] |             |
|    | R/at Amabavde s. Koregaon,       | ] |             |
|    | Tal- Koregaon Dist. - Satara.    | ] | Petitioner  |
|    | versus                           |   |             |
| 1. | The State of Maharashtra         | ] |             |
|    | Through the Principal Secretary, | ] |             |
|    | Rural Development Department,    | ] |             |
| 2. | Divisional Commissioner,         | ] |             |
|    | Pune Division, Pune              | ] |             |
|    | Divisional office, Pune.         | ] |             |
| 3. | Collector, Satara,               | ] |             |
|    | District Collector Office,       | ] |             |
|    | Satara Tal/Dist – Satara.        | ] |             |
| 4. | Tahasildar / Election Officer    | ] |             |
|    | Tahasildar office, Koregaon      | ] |             |
|    | Tal – Koregaon Dist – Satara.    | ] |             |
| 5. | Block Development Officer,       | ] |             |
|    | Panchayat Samiti, Koregaon,      | ] |             |
|    | District – Satara.               | ] | Respondents |

....

Mr. Vasim F. Momin a/w Mr. Chandrakiran Dongare, and Mr. Akshay Mane, for Petitioner.

Mr. A.Y. Sakhare, Senior Advocate a/w Mr. S.B. Kalel, A.G.P. for Respondents – State.

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a/w

**WRIT PETITION NO.11122 OF 2025**

Surendra Mohanrao Gudage	]	
Age – 54 Years, Occu – Agriculturist	]	
Residing At Post Mayani,	]	
Tal. Khatav, Dist. Satara	]	Petitioner
versus		

- |    |                                  |   |             |
|----|----------------------------------|---|-------------|
| 1. | The State Election Commission    | ] |             |
|    | New Administrative Building,     | ] |             |
|    | Opp. Mantralaya, Mumbai          | ] |             |
| 2. | The State of Maharashtra         | ] |             |
|    | Through the Principal Secretary, | ] |             |
|    | Rural Development Department,    | ] |             |
| 3. | Divisional Commissioner,         | ] |             |
|    | Pune Division, Pune,             | ] |             |
|    | Divisional Office, Pune.         | ] |             |
| 4. | District Collector, Satara,      | ] |             |
|    | District Collector Office,       | ] |             |
|    | Satara Tal/Dist – Satara.        | ] |             |
| 5. | Tahasildar/ Election Officer     | ] |             |
|    | Tahasildar Office, Khatav,       | ] |             |
|    | Tal – Khatav, Dist – Satara.     | ] |             |
| 6. | Block Development Officer,       | ] |             |
|    | Panchayat Samiti, Khatav,        | ] |             |
|    | District – Satara.               | ] | Respondents |

.....

Mr. Ajit Kenjale, for Petitioner.

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. Neha Bhide, G.P., for  
Respondent – State.

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a/w

**WRIT PETITION NO.11123 OF 2025**

Uttam Dharma Gaikwad	]	
Age 55 yrs., Occ: Agriculture,	]	
R/at. Pratapsinh Nagar, Khed,	]	
Tal-/Dist.-Satara.	]	Petitioner
versus		
1. The State of Maharashtra	]	
Through the Principal Secretary,	]	
Rural Development Department,	]	
2. Divisional Commissioner,	]	
Pune Division, Pune	]	
Divisional office, Pune.	]	
3. Collector, Satara,	]	
District Collector Office,	]	
Satara Tal./Dist – Satara.	]	
4. Tahasildar / Election Officer	]	
Tahasildar office, Satara	]	
Tal./Dist – Satara.	]	
5. Block Development Officer,	]	
Panchayat Samiti, Satara,	]	
Tal./District – Satara.	]	Respondents

.....

Mr. Vasim F. Momin a/w Mr. Akshay Mane and Mr. Abhishek Nikam, for  
Petitioners.

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. T.J. Kapre, A.G.P. for  
Respondent – State.

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**a/w**  
**WRIT PETITION NO.11124 OF 2025**

Nitin Kushaba Lavangare	]	
Age 40 yrs, Occ: Agriculture,	]	
R/at Ambavde s. Koregaon,	]	
Tal- Koregaon Dist. - Satara.	]	Petitioner

versus

- |    |                                  |   |             |
|----|----------------------------------|---|-------------|
| 1. | The State of Maharashtra         | ] |             |
|    | Through the Principal Secretary, | ] |             |
|    | Rural Development Department,    | ] |             |
| 2. | Divisional Commissioner,         | ] |             |
|    | Pune Division, Pune              | ] |             |
|    | Divisional office, Pune.         | ] |             |
| 3. | Collector, Satara,               | ] |             |
|    | District Collector Office,       | ] |             |
|    | Satara Tal/Dist – Satara.        | ] |             |
| 4. | Tahasildar / Election Officer    | ] |             |
|    | Tahasildar office, Koregaon      | ] |             |
|    | Tal – Koregaon Dist – Satara.    | ] |             |
| 5. | Block Development Officer,       | ] |             |
|    | Panchayat Samiti, Koregaon,      | ] |             |
|    | District – Satara.               | ] | Respondents |

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Ms. Rohinee Yadv i/b Mr. Vasim F. Momin, for Petitioners.

Mr. A.Y. Sakhare, Senior Advocate a/w Mr. S.B. Kalel, A.G.P, for Respondent – State.

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**a/w**  
**WRIT PETITION NO.11073 OF 2025**

- |    |                                   |   |  |
|----|-----------------------------------|---|--|
| 1. | Fattasing Appasaheb Deshmukh,     | ] |  |
|    | Aged 44 years, Occu: Agriculture, | ] |  |



- |    |   |                  |             |
|----|---|------------------|-------------|
|    | R/at. Deshmukhwadi, Kautholi,<br>Sangli.  | ]                |             |
|    | ]   |                  |             |
| 2. | Rajaram Namdev Jadhav,<br>Aged 53 years, Occu: Agriculture,<br>R/o. Sonarsiddha Nagar, Pujarwadi<br>(AA), Sangli.               | ]<br>]<br>]<br>] | Petitioners |
|    | versus  |                  |             |
| 1. | The State of Maharashtra<br>Through the Secretary,<br>Rural Development Department,<br>Mantralaya, Mumbai.                      | ]<br>]<br>]<br>] |             |
| 2. | Divisional Commissioner,<br>Pune Division, Pune.  | ]<br>]           |             |
| 3. | Collector of Sangli,<br>District: Sangli.   | ]<br>]           |             |
| 4. | Sub Divisional Officer,<br>Khanapur – Vita, Tal. Khanapur,<br>District: Sangli.   | ]<br>]<br>]      |             |
| 5. | Tahsildar, Atpadi,<br>District: Sangli.   | ]<br>]           |             |
| 6. | Ashok Shrirang Sargar,<br>Aged 35 years, Occu: Social worker,<br>R/o. Laxminagar, at Kalewadi,<br>Tal. Atpadi, District Sangli. | ]<br>]<br>]<br>] |             |
| 7. | Dadasaheb Ananda Hubale,<br>Aged 40 years, Occu: Social Worker,<br>R/o Opposite Atpadi Court,<br>Tal. Atpadi, District: Sangli. | ]<br>]<br>]<br>] |             |
| 8. | Murlidhar Bhimrao Mhargude,<br>Aged 38 years, Occu: Social Worker,  | ]<br>]           |             |

- |     |  |   |             |
|-----|--|---|-------------|
|     | R/o Talewadi, Tal. Atpadi,             | ] |             |
|     | District: Sangli.                      | ] |             |
| 9.  | Nikhil Kisan Kolekar,                  | ] |             |
|     | Aged 35 years, Occupation: Agriculture | ] |             |
|     | R/at. At Post Talewadi, Tal. Atpadi,   | ] |             |
|     | District Sangli.                       | ] |             |
| 10. | Laxman Gorakhnath Sargar,              | ] |             |
|     | Aged 39 years, Occu: Agriculture,      | ] |             |
|     | R/o. Kalewadi, Tal. Atpadi,            | ] |             |
|     | District: Sangli.                      | ] | Respondents |

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Mr. Nagesh Y. Chavan a/w Ms. Ankita Chindage, for Petitioners.

Mr. A.Y. Sakhare, Senior Advocate a/w Mr. V.M. Mali, A.G.P for Respondent – State.

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a/w

**WRIT PETITION [STAMP] NO.28533 OF 2025**

- |    |   |   |
|----|---|---|
| 1. | Mahesh Vishnu Rasal                     | ] |
|    | Age 40 years, Occup. Agriculturist,     | ] |
|    | Resident of At & Post – Dabewadi,       | ] |
|    | Taluka & District Satara,               | ] |
| 2. | Sanjay Ramrao Potekar,                  | ] |
|    | Age 62 years, Occup. Agriculturist,     | ] |
|    | Resident of At & Post Shendre,          | ] |
|    | Taluka & District – Satara,             | ] |
| 3. | Suryakant Laxman Padwal,                | ] |
|    | Age 62 years, Occup. Ex – servicemen,   | ] |
|    | Resident of At & Post – Bharatgaonwadi, | ] |
|    | Taluka & District – Satara,             | ] |
| 4. | Kiran Kalerao Gogawale                  | ] |
|    | Age 36 years, Occup. Agriculturist,     | ] |

- |    |   |                                 |             |
|----|---|---------------------------------|-------------|
|    | Resident of At & Post – Ramnagar,<br>Taluka & District – Satara   | ]                               |             |
|    | versus  | ]                               | Respondents |
| 1. | The State of Maharashtra<br>Through its Department of<br>Rural Development,<br>Mantralaya, Mumbai.<br>(Notices to be served on the<br>Government Pleader, High Court,<br>A.S. , Writ Cell, Mumbai.) | ]<br>]<br>]<br>]<br>]<br>]<br>] |             |
| 2. | The District Collector,<br>Satara, Taluka & District<br>Satara,   | ]<br>]<br>]                     |             |
| 3. | The Divisional Commissioner,<br>Pune Division, Pune.  | ]<br>]                          |             |
| 4. | The Zilla Parishad,<br>Satara.  | ]<br>]                          |             |
| 5. | The State Election Commission,<br>State of Maharashtra,<br>Mumbai.  | ]<br>]<br>]                     | Respondents |

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Mr. Satyajeet A. Rajeshirke a/w Mr. Shubham Vasekar i/b Mr. Satyam Shirke, for Petitioner.

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. Neha Bhide, G.P., for Respondents – State.

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a/w

**WRIT PETITION [STAMP] NO.28637 OF 2025**

- |    |  |        |
|----|--|--------|
| 1) | Smt. Sushila Tukaram Gurav<br>Age – 55 yrs, Occu – Agri, | ]<br>] |
| 2) | Shri Suresh Jaysing Gurav<br>Age – 40 yrs, Occu – Agri,  | ]<br>] |

- |    |  |   |             |
|----|--|---|-------------|
| 3) | Shri Parashram Vithu Shinde            | ] |             |
|    | Age – 64 yrs, Occu – Agri,             | ] |             |
| 4) | Shivaji Shripati Babar                 | ] |             |
|    | Age – 70 yrs, Occu-Agri,               | ] |             |
| 5) | Shri Harshvardhan Digambar Shelke      | ] |             |
|    | Age – 46 yrs, Occu – Agri,             | ] |             |
| 6) | Shri Sanjay Tukaram Barkale            | ] |             |
|    | Age – 46 yrs, Occu – Agri,             | ] |             |
| 7) | Shri Satish Shivaji Shelke             | ] |             |
|    | Age-28 yrs, Occu – Agri,               | ] |             |
|    | All R/o – Jainyal, Tal- Kagal,         | ] |             |
|    | Dist - Kolhapur                        | ] | Petitioners |
|    | versus                                 |   |             |
| 1) | The State of Maharashtra               | ] |             |
|    | Thru. the Secretary of Ministry of     | ] |             |
|    | Rural Development,                     | ] |             |
|    | Mantralaya, Mumbai                     | ] |             |
| 2) | The Maharashtra State Election         | ] |             |
|    | Commission, 1 <sup>st</sup> Floor, New | ] |             |
|    | Administrative Building,               | ] |             |
|    | Hutatma Rajguru Chowk,                 | ] |             |
|    | Madam Kama Road, Mumbai – 32           | ] |             |
| 3) | The Divisional Commissioner Pune       | ] |             |
|    | Division Pune                          | ] |             |
| 4) | The District Collector Kolhapur        | ] |             |
|    | Having its office at                   | ] |             |
|    | Nagala Park, Kolhapur                  | ] |             |
| 5) | The Sub-Divisional Officer,            | ] |             |
|    | Kagal – Radhanagari Division,          | ] |             |
|    | District – Kolhapur                    | ] |             |
| 6) | The Tahasildar Kagal                   | ] |             |

Dist – Kolhapur

] Respondents

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Mr. Anand S. Patil a/w Mr. Soham Patil a/w Mr. Soham Pawar, for  
Petitioners.

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. T.J. Kapre, A.G.P, for  
Respondent – State.

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a/w

**WRIT PETITION NO.11029 OF 2025**

Dayanand Bapu Kamble ]  
Age – 45, Occu. - Agriculture ]  
R/o – Residing at Haladi ]  
Tal : karveer, Dist: Kolhapur ] Petitioner

versus

1. Collector ]  
Collector Office ]  
Nagala Park, Kolhapur ]

2. Divisional Commissioner ]  
Pune Division Pune ]

3. State Election Commissioner ]  
First Floor, New Administrative ]  
Building, Madam Cama Road, ]  
Mumbai – 1. ]

4. State of Maharashtra ]  
Rural Development Ministry ]  
Mantralaya ]  
Mumbai 400 001 ] Respondents

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Mr. Yuvraj P. Narvankar a/w Mr. Rahul Patil, Ms. Rashmi Sajnikar,  
Ms. Neha Narvankar for Petitioner.

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. Neha Bhide, G.P, for  
Respondent – State.

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a/w

**WRIT PETITION [STAMP] NO. 27827 OF 2025**

Murlidhar Bhimrao Mhargude	]	
Age. - 35 yrs, Occ. - Agriculturist,	]	
At – Talewadi, Post – Kargani,	]	
Tal – Atpadi, Dist. - Sangli,	]	Petitioner
versus		
1. State of Maharashtra	]	
Through Secretary,	]	
Rural Development Department,	]	
Mantralaya, Mumbai.	]	
2. Divisional Commissioner,	]	
Pune Division, Pune.	]	
3. Collector of Sangli	]	
4. Dy. Collector (Revenue) Sangli	]	
5. Tahsildar, Aatpadi,	]	
6. Maharashtra State Election Commission,	]	
First Floor, New Administrative	]	
Building, Hutatma Rajguru Chowk, ]		
Madam Cama Road, Mumbai – 400 032	]	
Email: <a href="mailto:sec.mh@gov.in">sec.mh@gov.in</a>	]	Respondents

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Mr. Sandeep Koregave, for Petitioner.

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. Neha Bhide, G.P for Respondent – State.

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a/w  
**WRIT PETITION [STAMP] NO.27822 OF 2025**

Nikhil Kisan Kolekar	]	
Aged 35 years, Occupation : Agriculture,	]	
R/at. Post Talewadi, Tal. Atpadi,	]	
District Sangli.	]	Petitioner
versus		
1. The State of Maharashtra,	]	
Through its Secretary,	]	
Rural Development Department,	]	
Mantralaya, Mumbai.	]	
2. Divisional Commissioner,	]	
Pune Division, Pune.	]	
3. Collector of Sangli.	]	
District: Sangli.	]	
4. Sub Divisional Officer,	]	
Khanapur – Vita, Tal. Khanapur,	]	
District: Sangli,	]	
5. Tahsildar, Atpadi,	]	
District: Sangli	]	Respondents

.....

Mr. Vijay Killedar i/b Mr. Vikas Kolekar a/w Mr. Kunal U. Shirgire a/w Mr. Prashant Patole and Mr. Vishwajeet Nalawade, for Petitioner.

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. Neha Bhide, G.P. for Respondent – State.

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a/w  
**WRIT PETITION NO.9612 OF 2025**

Sudhir Rajaram Desai	]	
Age: 47 years, Adult of Kolhapur,	]	
Indian Inhabitant, Having his office	]	
Occupation: agriculture and social work	]	
At Post. Velvatti,	]	

Tal: Ajara, District: Kolhapur ] Petitioner

Versus

1. The State of Maharashtra ]  
Through the Principal Secretary, ]  
Rural Development and Panchayat ]  
Raj Department, Maharashtra State, ]  
Mantralaya, Mumbai -32. ]
2. Principal Secretary ]  
Rural Development and Panchayat ]  
Raj Department, Maharashtra State, ]  
Bandkam Bhavan, Marzban path, ]  
Mumbai-400 001. ] Respondents

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Dr. Uday Warunjikar i/b Mr. Gangaji B. Naik a/w Mr. Abhijeet B. Desai  
and B.G. Deosta, for Petitioners.

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. Neha Bhide, G.P, for  
Respondents – State.

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a/w

### WRIT PETITION NO.11199 OF 2025

Satyajit Rajaram Shelar ]  
Age: 39 years, Occupation: Agriculturist ]  
Residing at Village Navja, Tal. Patan, ]  
District Satara. ] Petitioner  
versus

1. The State of Maharashtra ]  
Through the Secretary, ]  
Rural Development Department, ]  
Mantralaya, Mumbai. ]
2. The Maharashtra State Election ]  
Commission, 1<sup>st</sup> Floor, New ]  
Administrative Building, Hutatma ]  
Rajguru Chowk, Madam Cama Road, ]



- |    |  |             |             |
|----|--|-------------|-------------|
|    | Mumbai – 32.   | ]           |             |
| 3. | The Divisional Commissioner,<br>Pune Division, Pune.                                       | ]<br>]      |             |
| 4. | The District Collector, Satara<br>Having office at – District Collector<br>Office, Satara. | ]<br>]<br>] |             |
| 5. | The Sub Divisional Officer,<br>Patan Division, District Satara                             | ]<br>]      |             |
| 6. | The Tahsildar, Patan, Dist. Satara   | ]           | Respondents |

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Mr. Rakesh Bhatkar a/w Mr. Aarya V. Ambulkar i/b Mr. Kuldip Pawar, for  
Petitioners.

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. Neha Bhide, G.P, for  
Respondents – State.

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a/w

### WRIT PETITION NO.11059 OF 2025

- |    |   |                  |
|----|---|------------------|
| 1. | Sunil Baburao Bongarde<br>Age – 40, Occ – Agri,<br>R/o – Bange, Tal – Kagal,<br>Dist – Kolhapur.          | ]<br>]<br>]<br>] |
| 2. | Yuvraj Shamrao Dafve<br>Age-43 years, Occ – Agri<br>R/o – Pimpalgaon, Tal – Kagal,<br>Dist – Kolhapur.    | ]<br>]<br>]<br>] |
| 3. | Sachin Panditrao Patil<br>Age – 47 years, Occ – Agri<br>R/o – Pimpalgaon, Tal – Kagal,<br>Dist – Kolhapur | ]<br>]<br>]<br>] |
| 4. | Yuvraj Pandurang Patil<br>Age -45, Occ – Agri,  | ]<br>]           |

- |     |  |                  |
|-----|--|------------------|
|     | R/o. Bange, Tal – Kagal,<br>Dist – Kolhapur.   | ]<br>]           |
| 5.  | Suhas Ramchandra More<br>Age – 25 years, Occ – Agri<br>R/o – Malge Khurd, Tal – Kagal,<br>Dist – Kolhapur. | ]<br>]<br>]<br>] |
| 6.  | Ruturaj Kumar Sitape<br>Age-30 years, Occ – Agri<br>R/o – Malge Khurd, Tal-Kagal,<br>Dist – Kolhapur.      | ]<br>]<br>]<br>] |
| 7.  | Shashikant Shankar Aarde<br>Age-35, Occ – Agri<br>R/o-Aanur, Tal-Kagal,<br>Dist – Kolhapur.                | ]<br>]<br>]<br>] |
| 8.  | Balasaheb Shivajirao Chougule<br>Age – 50 years, Occ-Agri<br>R/o-Aanur, Tal-Kagal,<br>Dist – Kolhapur.     | ]<br>]<br>]<br>] |
| 9.  | Jeevan Dilip Patil.<br>Age – 36 years, Occ – Agri,<br>R/o-Bhadgaon, Tal-Kagal,<br>Dist-Kolhapur.           | ]<br>]<br>]<br>] |
| 10. | Nitin Kudlik Patil<br>Age-42, Occ – Agri<br>R/O-Bhadgaon, Tal-Kagal,<br>Dist-Kolhapur.                     | ]<br>]<br>]<br>] |
| 11. | Ananda Balu Gurav,<br>Age-70, Occ-Agri<br>R/o – Chaundal, Tal-Kagal,<br>Dist – Kolhapur.                   | ]<br>]<br>]<br>] |
| 12. | Shivaji Krushna Chavan<br>Age – 48, Occ – Agri   | ]<br>]           |

- |     |  |                  |             |
|-----|--|------------------|-------------|
|     | R/o – Chaundal, Tal-Kagal,<br>Dist – Kolhapur.   | ]<br>]           |             |
| 13. | Suraj Bhimrao Patil<br>Age-31, Occ- Agri<br>R/o-Kurni, Tal-Kagal,<br>Dist – Kolhapur.                      | ]<br>]<br>]<br>] |             |
| 14. | Raghunath Ananda Bharmal<br>Age-37, Occ-Agri<br>R/o-Kurni, Tal-Kagal,<br>Dist – Kolhapur                   | ]<br>]<br>]<br>] |             |
| 15. | Pravin Madhukar Aswale<br>Age – 30 years, Occ – Agri<br>R/o- Malge Budruk, Tal- Kagal,<br>Dist – Kolhapur. | ]<br>]<br>]<br>] |             |
| 16. | Dattatraya Pandurang Adsule<br>Age-63, Occ – Agri<br>R/o – Malge Budruk, Tal – Kagal,<br>Dist – Kolhapur.  | ]<br>]<br>]<br>] | Petitioners |
|     | versus   |                  |             |
| 1.  | The State of Maharashtra<br>Through Secretary,<br>Rural Development Department,<br>Mantralaya, Mumbai.     | ]<br>]<br>]<br>] |             |
| 2.  | Divisional Commissioner,<br>Pune Division, Pune.   | ]<br>]           |             |
| 3.  | Collector Kolhapur,<br>Tarabai Park, Kolhapur,   | ]<br>]           |             |
| 4.  | Sub-Divisional Officer,<br>Kagal, District: Kolhapur   | ]<br>]           |             |

5. Tahasildar Kagal, ]  
District: Kagal ]
6. Maharashtra State Election Commission, ]  
First Floor, New Administrative ]  
Building, Hutatma Rajguru Chowk, ]  
Madam Cama Road, Mumbai – 400 032 ]  
  
Email: [sec.mh@gov.in](mailto:sec.mh@gov.in) ]
7. Bajirao Dhondiba Patil ]  
Age: approx.50, Occ: Agri ]  
r/at Mhakve, Tal. Kagal, ]  
District: Kolhapur. ]
8. Varsha Bajirao Patil ]  
Age: approx.45, Occ: Agri/household ]  
r/at Mhakve, Tal. Kagal, ]  
District: Kolhapur. ]
9. Appasaheb Yashwant Patil ]
10. Mahadev Maruti Chougule ]
11. Dhananjay Shantaram Patil ]
12. Shivanand Vitthal Mali ]
13. Hindurao Bapu Patil ]
14. Maruti Sidram Patil ]
15. Dinkar Dyanu Patil ]
16. Raosaheb Dhondiram Patil ]
17. Mahaveer Pandurang Patil ]
18. Aadinath Ganpati Patil ]
19. Ramchandra Dattatray Patil ]

20.	Ramdas Vishwanath Gurav	]	
21.	Pandhari Dattaray Patil	]	
22.	Ravindra Ramchandra Kamble	]	
23.	Ajit Haribhau Mali	]	
24.	Chandrakant Yashwant Kamble	]	
25.	Shivaji Bajirao Wadkar	]	
26.	Dattatray Hindurao Patil	]	
27.	Dattatray Pandurang Patil	]	
	All Age – Adult, Occ – Agri,	]	
	R/o – Mhakve, Tal- Kagal,	]	
	Dist – Kolhapur.	]	Respondents

....

Mr. Chetan G. Patil a/w Mr. Bhushan S. Jadhav a/w Mr. Prathamesh P. Magdum a/w Ms. Siddheshwari R. Chavan, for Petitioners.

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. Neha Bhide, G.P. for Respondents – State.

Mr. Atul Damle, Senior Advocate i/b Mr. Sachindra B. Shetye a/w Mr. Akshay Pansare, for Respondent - State Election Commission in all the Writ Petitions.

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**CORAM** : **M.S. KARNIK &  
SHARMILA U. DESHMUKH, JJ.**

**RESERVED ON** : **18<sup>th</sup> SEPTEMBER, 2025.**  
**PRONOUNCED ON** : **30<sup>th</sup> SEPTEMBER, 2025.**

**JUDGMENT:-** [Per M.S. Karnik, J.]:

**1.** Since common issues are involved, these petitions are being

disposed of by a common judgment and order. We refer to the facts in the lead Petition i.e. Writ Petition No. 11127 of 2025.

**[A] THE CHALLENGE**

**2.** The challenge in these petitions under Article 226 of the Constitution of India is to the delimitation exercise being carried out for Zilla Parishads, Panchayat Samitis and other Local Bodies in the State of Maharashtra, under Sub-section (1) of Section 12 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter referred to as “**Zilla Parishad Act**” for short). Section 12(1) empowers the State Government or an officer authorized by it, with the approval of the State Election Commission, to divide every District into electoral divisions.

**3.** The Petitions before us particularly concern the delimitation exercise carried out in respect of Kolhapur, Satara and Sangli Districts. The petitioners are challenging the orders of the Divisional Commissioner, rejecting the objections raised by the petitioners pertaining to the draft electoral division of the districts of Kolhapur, Sangli and Satara. The challenge further extends to the Notification issued by the State Government dated 12<sup>th</sup> June 2025 titled ‘Zilla Parishad and Panchayat Samiti (number of members, ward information) Order 2025’, the letter

dated 18<sup>th</sup> August 2025 issued by the Joint Secretary Government of Maharashtra to all the Collectors, informing them that after approval to the final ward structure is granted by the concerned Divisional Commissioner, a final notification in that regard to be published in the Official Gazette by 22<sup>nd</sup> August 2025, letter dated 12<sup>th</sup> August 2025 addressed by the Secretary of the State Election Commission (“SEC” for short) to all the Divisional Commissioners of the State to accord approval to the final ward structure received by them by 22<sup>nd</sup> August 2025 and the correspondence dated 20<sup>th</sup> August 2025 between the Divisional Commissioner and the Collector with respect to the publication of the final formation of electoral divisions.

**[B] THE DIRECTIONS OF THE HON’BLE SUPREME COURT IN RAHUL RAMESH WAGH VS. STATE OF MAHARASHTRA & ORS.**

**4.** After the judgment was reserved in these Writ Petitions, Mr. Sakhare, learned Senior Advocate for the State, placed on record a copy of the order dated 16<sup>th</sup> September, 2025, passed by the Hon’ble Supreme Court in *Rahul Ramesh Wagh v/s. State of Maharashtra and Ors*<sup>1</sup>. By the aforesaid order, Their Lordships, *inter alia*, directed that the elections of the Local Bodies, including Zilla Parishads, Panchayat Samitis and

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1 In SLP (C) No. 19 756 of 2021.

Municipalities shall be conducted by 31<sup>st</sup> January 2026. It was made clear that no further extension shall be granted to the State or the SEC.

**5.** We may also refer to paragraph 9 of the said order which is significant and reads thus:-

*“At this juncture, we are informed that various writ petitions have been filed before different Benches of the High Court of Judicature at Bombay questioning the delimitation exercise or reservation of wards etc. The State of Maharashtra/State Election Commission may seek clubbing of all these petitions before one Bench and such a prayer may be sympathetically considered by the Hon’ble Chief Justice of High Court of Judicature at Bombay”.*

**6.** In the context of the aforesaid order, we may indicate that this order was placed before us only upon conclusion of the hearing in these Writ Petitions and after the matter was closed for pronouncement of judgment. However, having extensively heard learned counsel and having closed the matter for judgment, we thought it fit to pronounce the judgment as we are in agreement with the opinion expressed by the Nagpur and Aurangabad Bench of this Court. We must further place on record that even before we could commence the final hearing of these petitions after completion of pleadings, the Nagpur Bench of this Court in



*Dilip Jadhav v/s. State of Maharashtra and Ors.*<sup>2</sup> dealt with the petition challenging ward formation and formation of electoral divisions for the general elections of Zilla Parishad Washim and Panchayat Samitis therein. By an order dated 22<sup>nd</sup> August, 2025, the aforesaid Writ Petition came to be dismissed considering the express bar on Courts from entertaining any challenge to delimitation exercise and by observing that no reasons were made out for the Court to interfere with the said delimitation exercise.

7. It also needs to be stated that after the conclusion of the hearing of these Writ Petitions on 18<sup>th</sup> September 2025, Mr. Sakhare, learned Senior Advocate, on 20<sup>th</sup> September 2025, placed before us the decision of the Aurangabad Bench of this Court in *Abhijeet s/o Diliprao Deshmukh v/s. The State of Maharashtra*<sup>3</sup> dated 19<sup>th</sup> September, 2025, as well as the decision of the Nagpur Bench of this Court in *Rashtrapal Dadaraoji Patil and Ors. v/s. State of Maharashtra and Ors*<sup>4</sup> decided on 19<sup>th</sup> September, 2025.

8. In *Rashtrapal Dadaraoji Patil* (supra), the Nagpur Bench of this Court dismissed the Writ Petitions seeking striking down of Rule XII of the

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2 2025 SCC Online Bom 2990.

3 Writ Petition No.10237 of 2025 along with connected Writ Petitions, decided on 19.09.2025.

4 Writ Petition No.5061 of 2025 along with connected Writ Petitions, decided on 19.09.2025.

Maharashtra Zilla Parishads and Panchayat Samitis (Manner and Rotation of Reservations of Seats) Rules, 2025, on the ground that the same is violative of Article 14 and *ultra vires* the Zilla Parishad Act i.e Parent Act. This Court upheld the validity of Rule XII and addressed the challenge raised in the petitions to the delimitation exercise on the ground of arbitrariness. It was further observed that there was nothing brought on record to show that the delimitation exercise had been conducted arbitrarily or that the reservation policy was violated whilst conducting the exercise of delimitation.

**9.** The Aurangabad Bench of this Court in *Abhijeet s/o Diliprao Deshmukh* (supra), was considering the challenge to the 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. Their Lordships observed that it is imperative to first refer to the question of jurisdiction available 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. This Court, after considering the authoritative pronouncements in the context of scope of interference in

election matters and the order of the Hon'ble Supreme Court in *Rahul Ramesh Wagh* (supra), held that the petitioners were not able to make out a compelling case for interference and therefore, the Court was not inclined to show any indulgence as it would amount to delaying the process of elections to the local bodies of the State of Maharashtra. Their Lordships then took individual cases for consideration. The opinion expressed was that the petitioners 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 in the said Districts.

**10.** In the light of detailed consideration of the issues raised in the aforesaid petitions, being in respectful agreement with the view taken, we otherwise were inclined to dispose of these petitions for the same reasons indicated in the aforesaid cases dealt with by the Nagpur Bench as well as the Aurangabad Bench of this Court. However, we would be failing in our duty if we do not give due consideration to the detailed submissions made by the learned Counsel for the petitioners, as well as the submissions advanced on behalf of the State and State Election Commission by the learned Senior Advocates in the present petitions. We must also deal with individual cases, hence, this expression of our

opinion.

### [C] FACTUAL BACKGROUND

11. In *Rahul Ramesh Wagh* (supra), the core issue that fell for consideration of the Hon'ble Supreme Court revolved around the reservation for Other Backward Classes ("OBC" for short) in the State of Maharashtra for the purpose of elections to the local bodies. As a result of the pendency of the SLP, the elections to the local bodies have not been held for the past several years. In that context, Their Lordships made the following observations, which are significant:

*"1. The core issue that falls for consideration in this batch of Special Leave Petition(s)/Writ Petitions/Transferred Cases revolves around the reservation for Other Backward Classes (hereinafter referred to as 'OBCs') in the State of Maharashtra for the purpose of elections to the local bodies.*

*2. There have been reservations provided to different OBC communities through legislative enactment(s), on the basis of which the elections were earlier held from time to time. On 11.03.2022, the State of Maharashtra, constituted a dedicated 7-member Commission under the chairmanship of Mr. Jayant Kumar Banthia, IAS (Retd.), former Chief Secretary of Maharashtra (hereinafter referred to as 'the Banthia Commission'). The Banthia Commission was tasked with collecting empirical data on the OBCs, to help inform their reservation in local body elections. It subsequently submitted its Report on 07.07.2022 and its recommendations form the subject of challenge in these appeals. Besides that Report, various issues like: (i) setting up of a Dedicated Commission to conduct enquiry into the nature and implications of political backwardness for the*

*composition of local bodies in the State; (ii) number of reserved seats in each local body on the basis of recommendations of the aforesaid Commission; and (iii) whether such reservations can exceed the aggregate of 50% etc., have arisen for consideration in these proceedings.*

*3. Learned Senior Counsel/counsel for the parties are ad-idem that consequent to the pendency of these proceedings, elections to the local bodies have not been held for the last several years.*

*4. We have considered their submissions in this regard. It seems to us that the constitutional mandate of democracy at the grass-root level and its enforcement through periodical elections of the local bodies ought to be respected and ensured. Since the elected bodies have a fixed term, no irreversible loss will be caused to those who are seeking appropriate amendment(s) in the existing laws for inclusion or exclusion of certain OBC communities. All those issues will, of course, be considered in due course of time. In the interregnum, we see no reason as to why the elections of the local bodies not be held in the State of Maharashtra because of the pendency of these proceedings.*

*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.*

6. *Post these matters for hearing on 16.09.2025”.*

**12.** Pursuant to the order passed in *Rahul Ramesh Wagh* (supra), directing the State of Maharashtra / SEC to conduct and conclude the elections to the 32 Zilla Parishads and 336 Panchayat Samitis within four months, the State Government, vide order dated 12<sup>th</sup> June 2025, titled “Zilla Parishad and Panchayat Samiti (number of members, ward formation) Order 2025”, issued comprehensive guidelines for formation of electoral divisions and electoral colleges under Sections 9(1), 9(1)(a), 12(1) and 58(1)(a) of the Zilla Parishad Act. The State Government, vide order dated 12<sup>th</sup> June 2025, titled “Division of District into Electoral Divisions and Panchayat Samiti/Block into Electoral Colleges delegation of powers”, appointed officers and assigned them specific tasks to be undertaken to complete the delimitation exercise. For ready reference, the table from the said order is reproduced below.

<b>Sr. No.</b>	<b>Action to be taken</b>	<b>Responsible officer appointed</b>
1.	Division of District (Zilla Parishad Area) into electoral divisions and Panchayat Samiti area into electoral colleges and their delimitation	(1) District Collector. (2) District Collector or an officer authorized by Collector not below the rank of Tahasildar.

2.	Publication of draft of electoral divisions and electoral colleges	District Collector
3.	To accept objections and suggestions on draft of electoral divisions and electoral colleges.	District Collector or an officer not below the rank of Tahasildar.
4.	To hear objections and suggestions received after draft publication and after hearing, finalization of electoral divisions and electoral colleges after approval by State Election Commission or an officer authorized by it.	Divisional Commissioner
5.	Publication of Final electoral division and electoral colleges.	District Collector.

**13.** Further, a table delineating the timeline for publishing the draft division plan, receiving, hearing and deciding the objections to the draft division plan and publishing the final division plan was also issued, which is in Marathi, and is reproduced thus:-

अ.क्र.	टप्पा	कार्यवाही कोणी करावयाची आहे	टप्पा सुरु करण्याचा / संपविण्याचा दिनांक
(अ) प्रारूप प्रभाग रचना			
१	प्रारूप प्रभाग रचनेची अधिसूचना प्रसिध्द करणे.	जिल्हाधिकारी	दिनांक १४/०७/२०२५ पर्यंत
(ब) हरकती व सूचना तसेच सुनावणी			
२	जिल्हाधिकारी यांच्याकडे हरकती व सूचना सादर करणे		दिनांक २१/०७/२०२५ पर्यंत
३	प्राप्त हरकतीच्या आधारे अभिप्रायासह विभागीय आयुक्त यांना प्रस्ताव सादर करणे.	जिल्हाधिकारी	दिनांक २८/०७/२०२५ पर्यंत
४	प्राप्त झालेल्या हरकती व सूचनांवर सुनावणी देऊन निर्णय देणे.	विभागीय आयुक्त	दिनांक ११/०८/२०२५ पर्यंत
(क) अंतिम प्रभाग रचना			
५	अंतिम प्रभाग रचना मान्यतेसाठी राज्य निवडणूक आयोग किंवा त्यांनी प्राधिकृत केलेल्या अधिकाऱ्याकडे सादर करणे.	जिल्हाधिकारी	दिनांक १८/०८/२०२५ पर्यंत

**14.** By Gazette Notification dated 18<sup>th</sup> June 2025, the SEC, in exercise

of its powers under Section 9A(2) and Section 9A(4) of the Zilla Parishad Act, issued an order, directing officers designated under the said order to undertake the task assigned to them. Reference to the table reproduced below is relevant:-

<b>Sr. No.</b>	<b>Action to be taken</b>	<b>Responsible officer appointed</b>
1.	To determine reservation for Scheduled Castes and Scheduled Tribes.	Divisional Commissioner.
2.	Drawing of lot for reservation of a Backward Classes of Citizens and women (including women belonging to Scheduled Castes, Scheduled Tribes and Backward Classes of citizens)	
	For the electoral division of the Zilla Parishad	District Collector
	2) For the electoral colleges of the Panchayat Samiti	Tahasildar of the concerned Taluka
3.	Finalization the ward formation after giving hearing to the objections and suggestion received regarding the electoral division and electoral colleges.	Divisional Commissioner.

**15.** The Notification of ward formation for the general elections of Kolhapur Zilla Parishad and Panchayat Samiti came to be published on 14<sup>th</sup> July 2025. It is the case of the petitioner that by a letter dated 21<sup>st</sup> July 2025 addressed to respondent no.3 – Collector, objections were raised by him to the draft electoral division in respect of electoral division no.40, stating that the same was drawn in contravention of the guidelines



in the order dated 12<sup>th</sup> June 2025, which infringes upon the rights of voters of the said electoral divisions. Further, on 5<sup>th</sup> August 2025, the petitioner filed written submissions in this regard before the respondent no.2 – Divisional Commissioner, Pune. It is the case of the petitioner that by order dated 11<sup>th</sup> August 2025, the respondent no.2 – Divisional Commissioner rejected the objection raised by the petitioner without providing reasons for rejection. Aggrieved by the impugned order, the petitioner filed the present petition on 13<sup>th</sup> August 2025.

**16.** By communication dated 12<sup>th</sup> August 2025, the SEC directed all Divisional Commissioners to accord approval to the final ward structure received by them by 22<sup>nd</sup> August 2025, and a report on the same to be submitted to the SEC and the Rural Development Department.

**17.** Pursuant to the aforementioned letter, the State Government (Rural Development Department) issued a letter dated 18<sup>th</sup> August 2025 addressing the Collectors of each District, informing them that after approval of the final ward structure is granted by the concerned Divisional Commissioner, a final notification in that regard to be published in the Official Gazette by 22<sup>nd</sup> August 2025. On 20<sup>th</sup> August 2025, the final ward formation was approved by the Divisional

Commissioner and the same was communicated to the Collector. On 22<sup>nd</sup> August 2025, the Final Ward Plan of Karveer Taluka came to be published by the Collector in the Official Gazette.

#### **[D] SUBMISSIONS**

##### **Submissions of learned counsel for the petitioners**

**18.** Mr. Ganbavale, learned counsel for the petitioners and learned counsel appearing in the connected petitions, advanced the following submissions.

- (i) The power of superintendence, direction, and control of electoral rolls and the conduct of all elections to Panchayats vests exclusively in the SEC, and the State Government cannot usurp or encroach upon this jurisdiction.
- (ii) That by issuing the order dated 12<sup>th</sup> June 2025, issued under Sections 9, 12 and 58 of the Act, the Government has acted in excess of its authority and has breached the autonomy of the SEC, considering that the aforementioned sections do not confer any such independent powers upon the State Government to issue guidelines or directions for ward delimitation. This amounts to a colourable exercise of power.
- (iii) That the provisions of Section 12(1) and Section 58(1)(a) have

been breached. The impugned order was issued without the approval of the SEC, making it void *ab initio*. Section 274 authorizes the State Government to frame rules on various subjects under the Act. A plain reading of Section 274 indicates that matters pertaining to electoral division and sub-division have been expressly excluded from the rule-making powers. This indicates that the Government cannot issue directions or guidelines related to delimitation; it is only the SEC that is empowered to do so.

- (iv) That Section 9A(4) specifically empowers the SEC to issue special or general / directions for free and fair elections, ruling out any parallel powers of the State Government in this regard. That State Government has, by issuing the order dated 12<sup>th</sup> June 2025, indulged in colourable exercise of powers, undermining constitutional framework for free and fair elections.
- (v) That Election-related statutes ought to be strictly construed. Powers that have not been expressly conferred cannot be thus assumed by the State Government. The statutory scheme of the Act envisages that final approval of any ward division / subdivision rests solely with the SEC. Thus, Government's

attempt to finalise delimitation without approval of the SEC is void, lacking jurisdiction and ineffective in law. It is submitted that Section 9 r/w Section 2(20A) requires the population to be determined from the last census (2011) through enumeration blocks created for census purposes. But under the Act, the relevant unit is the Block defined in Sections 2(3), 5 and 20, from which electoral divisions and colleges are formed. Confusing “enumeration blocks” with statutory “blocks” shows clear non-application of mind and results in illegality.

(vi) That the chart in Clause 4 assigns Divisional Commissioner the role of hearing objections and “finalizing” divisions, after approval of SEC or its delegate. This is contrary to Sections 12 & 58 of the Act, which stipulate that delimitation attains finality only upon the SEC’s independent approval.

**19.** Learned counsel placed reliance on the following judgments in support:-

(i) *Dravid Kazhagam Vs. Secretary, Governor*<sup>5</sup>

(ii) *State of Goa Vs. Fouziya Shaikh*<sup>6</sup>

(iii) *Kishore Chandra Rathod Vs. Union of India*<sup>7</sup>

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5 (2020) 6 SCC 548

6 (2021) 8 SCC 401

7 (2024) SCC OnLine SC 1879

- (iv) *Rajbala Vs. State of Haryana*<sup>8</sup>
- (v) *Deepak Patil Vs. State of Maharashtra*<sup>9</sup>
- (vi) *Association for Democratic Reforms Vs. Union of India*<sup>10</sup>
- (vii) *Dilip Jadhav Vs. State of Maharashtra & Ors.*<sup>11</sup>
- (viii) *Vijay S. Sathaye Vs. Indian Airlines Ltd. & Ors.*<sup>12</sup>

### **Submissions of learned Counsel for the State Government**

**20.** Mr. Anil Sakhare, learned Senior Advocate for the respondent - State made the following submissions:-

- (i) The State Government is empowered to make legislation for the creation of Panchayats and that the provisions of Article 243 of the Constitution of India, particularly Articles 243-C and 243-K(4), empower the State Government to enact laws for the creation of Panchayats and matters relating to their elections.
- (ii) That, considering the bar imposed under Article 243-O of the Constitution of India, Courts are prohibited from entertaining any challenge to the validity of laws relating to delimitation of constituencies or allotment of seats made or purported to be made

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<sup>8</sup> (2016) 2 SCC 445

<sup>9</sup> (2023) 11 SCC 445

<sup>10</sup> (2024) 5 SCC 1

<sup>11</sup> (2025) SCC OnLine Bom. 2990

<sup>12</sup> (2013) 10 SCC 253

under Article 243-K. It further bars challenges to Panchayat elections except through an election petition presented to such authority and in the manner provided by State law.

- (iii) That, Section 27 of the Act provides a remedy for objections relating to the conduct of elections solely by way of an election petition. By Act XXII of 2022, the provisions of the Act were amended, with the amendments coming into effect from 11<sup>th</sup> March 2022.
- (iv) That, the order dated 12<sup>th</sup> June 2025 directing that the entire election process be conducted in a fair, legal and transparent manner, was issued by the Government in compliance with Sections 9(1)(a), 12(1), and 58(1)(a) of the Act, and in accordance with the Supreme Court's order dated 6<sup>th</sup> May 2025 in SLP (C) No.19756 of 2021, directing the State of Maharashtra / State Election Commission to conduct and conclude the elections to the Maharashtra Zilla Parishads and Panchayat Samitis within four months.
- (v) That Section 274 of the Act in consonance with Article 243-K(4), empowers the State Government to delegate any or all of its powers, functions, and duties under the Act. Accordingly, the Order dated 12<sup>th</sup> June 2025 was issued, delegating powers under

Sections 9, 12 and 58 of the Act to the Divisional Commissioner to hear objections and suggestions on the draft delimitation plan.

- (vi) Further, pursuant to the letter dated 12<sup>th</sup> August 2025, the State Election Commission authorized all Divisional Commissioners of the State to grant approval.
- (vii) That, subsequently, a letter dated 18<sup>th</sup> August 2025 was issued by the State Government to all Collectors to submit the final electoral division plans to the State Election Commission or its authorized officer (i.e. Divisional Commissioner), who was to grant approval on 22<sup>nd</sup> August 2025.
- (viii) That the petitioners have not alleged any arbitrariness or *mala fides* on the part of the State Government or its officers in following the procedure prescribed under the Order dated 12<sup>th</sup> June 2025, nor have they raised any allegations regarding violation of principles of natural justice by the State Government.

**21.** The following decisions are relied upon in support :

- i. ***Anugraha Narain Singh & Anr. v. State of U.P. & Ors.***<sup>13</sup>
- ii. ***State of U.P. & Ors. v. Pradhan Sangh Kshettra Samiti & Ors.***<sup>14</sup>
- iii. ***Jadhav Shankar Dyandeo & Anr. v. Collector, Satara & Anr.***<sup>15</sup>
- iv. ***Shrikant Ankush Sawant & Anr. v. The State of Maharashtra &***

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<sup>13</sup> (1996) 6 SCC 303

<sup>14</sup> (1995) Supp (2) SCC 305

<sup>15</sup> (2010) (6) Mh.L.J. 109

*Ors.*<sup>16</sup>

v. *Anil Ramchandra Chondhe v. State of Maharashtra & Ors.*<sup>17</sup>

vi. *Shri Dilip Jadhav & Ors. v. State of Maharashtra & Ors.*<sup>18</sup>

**Submissions of learned Senior Advocate for S.E.C.**

**22.** Mr. Atul Damle, learned Senior Advocate representing the State Election Commission (Respondent No. 6), submitted as follows:

- (i) That in view of the provisions of Articles 243-C and 243-O of the Constitution of India, the petition is not maintainable as it challenges the delimitation of constituencies.
- (ii) That Section 9A of the Act deals with the State Election Commission (SEC) and empowers it to perform all functions necessary for conducting elections, including the delegation of any of its powers or functions to officers of the State Government not below the rank of Tahsildar. Such officers and staff appointed or deployed for election-related work are required to function under the superintendence, direction, and control of the SEC.
- (iii) That prior to the introduction of Amendment Act XXII of 2022, the SEC carried out all preparatory exercises for elections, including delimitation. After the amendment, the power of delimitation of

<sup>16</sup> WP (ST.) No. 99659 of 2020, decided on 11.01.2021, High Court Bombay

<sup>17</sup> (2021) SCC OnLine Bom. 2249

<sup>18</sup> (2025) SCC OnLine Bom. 2990



electoral divisions has been conferred on the State Government, subject to approval by the SEC as per Section 12(1) of the Act. The power of approval has been delegated by the SEC, vide order dated 18<sup>th</sup> June 2025, to the Divisional Commissioner, which it is empowered to do under Section 9A(2) of the Act.

- (iv) That the act of approval under Section 12(1) of the Act does not amount to an exercise of appellate powers over the actions of the Government or its officers. In this case, the SEC has delegated its authority to grant approval to the Divisional Commissioner, who approves the final proposal for division of electoral constituencies, as prepared by the State Government officers.
- (v) That the exercise carried out by the Divisional Commissioner for granting such approval does not in any way prejudice the rights of the Petitioners.
- (vi) That it is not practically feasible for the SEC to personally carry out delimitation for all local bodies across the State. In these circumstances, the SEC has retained the power of final approval in the case of Municipal Corporations, while the power of approval for delimitation in respect of Zilla Parishads, Panchayat Samitis, Municipal Councils, and Nagar Panchayats has been delegated to the Divisional Commissioner.

**23.** Following judgments are in support relied upon :

- (i) *Vijayadevi Navalkishore Bharati & Anr. v. Land Acquisition Officer & Anr.*<sup>19</sup>
- (ii) *Ashok Kumar Das & Ors. v. University of Burdwan & Ors.*<sup>20</sup>
- (iii) *H. C. Narayanappa & Ors. v. State of Mysore & Ors.*<sup>21</sup>
- (iv) *Union of India v. Vipin Kumar Jain & Ors.*<sup>22</sup>

#### **[E] CONSIDERATIONS :**

##### **Relevant Constitutional and Statutory Provisions:**

**24.** Before appreciating the submissions of learned Counsel, it would be apposite to keep in mind the scope of interference in electoral matters in the context of the constitutional and statutory limitations. Relevant in the context is also the guidance provided by the Hon'ble Supreme Court in *Rahul Ramesh Wagh* (supra). We must first make a reference to the relevant provisions of the Constitution of India. Part IX deals with "The Panchayats". Article 243 therein provides for definitions. Article 243 (a)

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<sup>19</sup> (2003) 5 SCC 83

<sup>20</sup> (2010) 3 SCC 616

<sup>21</sup> (1960) SCC OnLine SC 78

<sup>22</sup> (2005) 9 SCC 579

defines “district” means a district in a State; Article 243 (d) defines “Panchayat” means an institution (by whatever name called) of self-government constituted under Article 243B, for the rural areas; Article 243(e) defines “Panchayat area” to be the territorial area of a Panchayat; Article 243 (f) defines “population” to be the population as ascertained at the last preceding census of which the relevant figures have been published. Article 243B provides for the Constitution of Panchayats. Clause (1) therein provides that there shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this part. Composition of Panchayats is provided for under Article 243C. Clause (1) therein provides that subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats. Proviso to Article 243-C requires that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable be the same throughout the State.

**25.** In the context of the present case, it is significant to note Article 243K, which deals with elections to the Panchayats. Clause (1) thereunder provides that the superintendence, direction and control of

the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a SEC consisting of a State Election Commissioner to be appointed by the Governor. Clause (3) provides that the Governor of a State shall, when so requested by the SEC, make available to the SEC such staff as may be necessary for the discharge of the functions conferred on the SEC by clause (1). Clause (4) thereunder provides that, subject to the provisions of the Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.

**26.** Before we proceed to deal with the provisions made by the legislature of the Maharashtra State in terms of clause (4), it would be relevant to note Article 243-O, which imposes a bar on interference by courts in the electoral matters. Article 243-O provides that notwithstanding anything in this constitution – (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 243K, shall not be called in question in any court; and (b) no election to any panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

**27.** Part IXA of the Constitution deals with Municipalities. Article 243-ZG deals with the bar to interference by courts in electoral matters. It is of some significance to note that part IX was inserted by the Constitution (73<sup>rd</sup> Amendment) Act, 1992, dated 1<sup>st</sup> June 1993. The provisions of Article 243-ZG are *pari materia* with the provisions of Article 243-O, except that Article 243-ZG is in the context of Municipalities.

**28.** It would be now be pertinent to refer to some relevant provisions of the Zilla Parishad Act. Section 2(15) defines the term “election”. According to Section 2(15), ‘election’ to a Zilla Parishad or Panchayat Samiti, as the case may be, includes a by-election; In terms of Section 2(19) of the Act, “Panchayat” means a village panchayat established or deemed to be established under the Bombay Village Panchayats Act, 1958. Section 2(20A) says that “Population” means the population as ascertained at the latest preceding census of which the relevant figures have provisionally or finally been published.

**29.** Section 2(31A) provides for a “State Election Commission” consisting of the State Election Commissioner appointed in accordance with the provisions of clause (1) of Article 243K of the Constitution of

India. Section 2(35) defines “Zilla Parishad” or “Parishad” to be a Zilla Parishad constituted under section 9.

**30.** Chapter II deals with the constitution of Zilla Parishads. The constitution of Zilla Parishad is provided in Section 9, which reads thus:-

**“9. Constitution of Zilla Parishad**

*(1) The Zilla Parishad shall consist of -*

*(a) Councillors chosen by direct election from electoral divisions in the District being [not more than seventy-five and not less than fifty in number] as may, by notification in the Official Gazette, be determined by the [State Government], so however that, ratio between the population of the territorial area of a Zilla Parishad and the number of seats in such Zilla Parishad to be filled by election shall, so far as practicable, be the same throughout the State]*

*[(b) The Chairman of all Panchayat Samitis in the District;]*

*[(c) \* \* \*]*

*(d) \* \* \**

*(dd) \* \* \**

*(e) \* \* \**

*[\* \* \*]*

*[(2) (a) [In a general election, on the election of two-thirds or more of the number of Councillors falling under clause (a) of sub-section (1) the names of those Councillors together with their permanent addresses shall be published by the [State Election Commission] at such time, and in such manner, as may be prescribed by the State Government, and upon such publication, the Zilla Parishad shall be deemed to be duly constituted. In determining two-thirds of the number of Councillors a fraction shall be ignored]:*

***Provided that, such publication shall not be deemed -***

(i) to preclude the completion of the election in any electoral division [and the publication likewise by the [State Election Commission] of the name and permanent address of the elected Councillors, as and when they are available; or]

(ii) to affect the term of office of the Councillors under the Act;

(b) The names of Councillors falling under [clause (b)] of sub-section (1) (together with their permanent addresses) may also thereafter be likewise published by the [State Election Commission]].

[(2A) If in the general election, less than two-thirds of the total number of Councillors are elected then, the State Election Commission shall not publish the names and permanent addresses of such elected Councillors:

**Provided** that, before coming into force of the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Act, 2016, where less than fifty per cent. Of the total number of Councillors are elected and if the State Election Commission has published the names of such elected candidates, then such candidates shall have no fresh election of such Zilla Parishad.]

**Provided further** that, in such case, the State Election Commission shall hold the fresh election of Such zilla Parishad.]

(3) The Deputy Chief Executive Officer [and where more than one Deputy Chief Executive Officer have been appointed such one of them as may be nominated by the Chief Executive Officer,] shall be the Secretary, ex-officio, of the Zilla Parishad.”

**31.** It is now significant to note Section 9A, which needs to be reproduced for the facility of reference, since this was a much debated

provision on the aspect of power of SEC to delegate. The provision reads thus:-

***“[9A. State Election Commission***

***(1) The superintendence, direction and control of the preparation of the electoral rolls, for, and the conduct of, all elections to the Zilla Parishads and Panchayat Samitis shall vest in the State Election Commission.***

***(2) The State Election Commission may, by order, delegate any of its powers and functions to any officer of the State Election Commission or any officer of the State Government not below the rank of Tahasildar.***

***(3) All the officers and members of the staff appointed or deployed for preparation of electoral rolls, electoral divisions, electoral colleges and conduct of elections of Zilla Parishads and Panchayat Samitis under this Act or the rules shall function under the superintendence, direction and control of the State Election Commission.***

***(4) Notwithstanding anything contained in this Act or the rules, the State Election Commission may issue such special or general orders or directions which may not be inconsistent with the provisions of the Act and the rules for fair and free elections.***

*(emphasis supplied)*

**32.** Another important provision is Section 12, which deals with the division of the district into electoral divisions. We only reproduce the provisions of Sub-section (1) of Section 12, extensively relied upon by the learned Counsel in support of their submissions.

***“12. Division of District into electoral divisions***

***(1) The [State Government or an officer authorized by it, with the approval of the State Election Commission] shall,***



*for the purpose of election of Councillors divide every District] into electoral divisions (the territorial extent of any such division not being out side the limits of the same Block) each returning one Councillor, and there shall be a separate election for each electoral division:*

*(emphasis supplied)*

***Provided*** that, such electoral division shall be divided in such a manner that the ratio between the population of each electoral division and the total number of Councillors to be elected for the Zilla Parishad shall, so far as practicable, be the same throughout the Zilla Parishad area;

***Provided further*** that, while distributing such electoral divisions among the Panchayat Samitis, not less than two electoral divisions shall be allotted to each Panchayat Samiti.]”

This provision is significant in the context of argument of the petitioners that granting approval has to be regarded as a core function of the SEC which cannot be delegated as it directly erodes the credibility of a free and fair election.

**33.** The provisions of Chapter XVII deal with the rules, regulations and bye-laws. Clause (1) of Section 274 provides that the State Government may make rules not inconsistent with the provisions of this Act, for the purpose of carrying into effect the provisions of this Act. Clause (2) deals with the powers of the State Government to make the rules for all or any of the matters. We quote the relevant clauses of Section 274(1), which read thus:-

*“(i) under sub-section (2) of section 9, prescribing the time at which and the manner in which the names of Councillors shall be published;*

*(ii) under section 12, prescribing the seats to be reserved for the representation of the Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women in any electoral division and the manner and rotation of such reservation;]*

*(xiii) under section 58, prescribing the seats to be reserved for Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women in electoral colleges and the manner and rotation of such reservation;]”*

**34.** Section 27 of the Zilla Parishad Act deals with the provisions relating to the determination of the validity of elections, enquiry by Judge; procedure. Section 27A is a bar to interference by courts in electoral matters. Section 27A mandates that no election to any Zilla Parishad shall be called in question except in accordance with the provisions of Section 27; and no court other than the Judge referred to in that Section shall entertain any dispute in respect of such election. Thus, it is noticed that the statutory framework in respect of scope of interference of Courts in electoral matters is within the confines of the Constitutional framework.

**35.** So far as the Panchayats are concerned, the provisions regarding

elections and election disputes are provided under Section 58 of the Zilla Parishad Act. Sub-section (2) of Section 58 provides that the provisions of [[sections 12A, 19 to 27], 27A and 28] (both inclusive) and [28A to 28D (both inclusive), 28 to 33 (both inclusive), 33A and 34 to 37 (both inclusive)] relating to elections and election disputes and any rules made thereunder shall apply *mutatis mutandis* in relation to election of members under sub-section (1) of section 57.

**36.** Section 275 deals with the powers of the Zilla Parishad to frame Regulations not inconsistent with the provisions of the Zilla Parishad Act.

**[F] POWERS AND ROLE OF THE STATE ELECTION COMMISSION :**

**37.** Before we proceed further, it would be imperative to understand the powers, role and constitutional significance of the SEC. The SEC derives its origin from the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Acts, 1992. The SEC is primarily constituted to supervise, direct and control elections to local governments in every State across India. The SEC draws its authority from Article 243K and Article 243ZA of the Constitution of India. It is an autonomous constitutional body that acts as a guardian of democratic decentralisation. Just as the Election Commission of India (ECI) is constituted under Article 324 of the

Constitution, parts IX and IX-A of the Constitution make similar provisions for the SEC. The powers of the SEC with respect to the conduct of elections are no less than those vested with the ECI. The SECs are expected to function independently of the State Government. The constitutional importance given to the role of the SEC is evident from the mandate that the State Election Commissioner shall be removed in the same manner and on the same grounds as a Judge of a High Court may be<sup>23</sup>. The office of the State Election Commissioner is responsible for ensuring that elections to the Panchayats and the Municipalities are conducted freely, fairly and in a time-bound manner.

**38.** As to what should be the relationship between the SEC and the State Government can be deduced from the constitutional provisions, more particularly, Article 243C, which we have already referred to hereinabove. Article 243C provides for the exercise of delimitation to be conducted for the Panchayat elections. In the case of the Union Government, an independent delimitation commission has been constituted, unlike for Panchayat bodies, where no such delimitation commission is constituted at the State level.

**39.** Prior to the constitution of the SEC by the 73<sup>rd</sup> and 74<sup>th</sup>

<sup>23</sup> Proviso, Article 243-K(2), Constitution of India.

Constitutional Amendment Acts, it was the State Government which undertook the delimitation exercise and the conduct of elections to the Local Self Government bodies. When the SEC was established in the State of Maharashtra, the role of the State Government was limited to assisting the SEC, primarily by providing the requisite staff and logistical support. Prior to the 2022 amendment to Section 12(1) of the Zilla Parishad Act, the SEC independently undertook the delimitation exercise.

**[G] INDIVIDUAL FACTS :-**

**40.** Let us now consider the individual facts in each case. For convenience, we had requested learned counsel to place before us in a tabular form, the nature of the objections raised by the petitioners and the manner in which they were addressed by the Divisional Commissioner empowered to deal with the objections. In respect of the 18 petitions before us, for the facility of convenience, the charts for the 3 districts are reproduced below (with spelling and grammatical corrections), which read thus :-

**DISTRICT - KOLHAPUR**

<b>Sr. No.</b>	<b>W.P. No. / Petitioners Name</b>	<b>Objection Raised</b>	<b>Collector Remark</b>	<b>Commissioner's Decision</b>
1.	WP 11029/2025	Haladi village included in Sadoli Khalasa Division. Though earlier it	In 2017 there were 11 divisions in karveer taluka. Now there are 12 divisions.	Application rejected (Page no. 31-33)

	Dayanand Bapu Kambale, Karveer	was part of Parite division . There is bhogavati river between Sadoli khalasa and Haladi which faces flood every year. Contact between both villages is lost. Haladi village should be included in parite division. 2017 structure must be followed . (Page no. 23)	Therefore it is necessary to amend 2017 structure. There are totally 5 rivers in only 40% part of Karveer taluka. and villages between these rivers do not meet minimum and maximum population criterion. therefore it becomes necessary to include river in making various divisions. (Page no. 31-33)	
2	WP 11127/2025  Sangram Gopal Patil, Karveer	Objection was about Pachgaon division. But broadly having following demands 1.Gandhinagar village should not be divided. 2. Gandhinagar be included in Uchgaon division without dividing village. 3. Sarnobatwadi be included in Pachgaon division. 4. Vasagade be included in Mudshingi division.5. Tamgao be included in Gokul Shirgao Division (Page no 66-67)	While forming divisions North-East-West-South this direction is needed to be followed as per 12.06.2025 government order. As per petitioners demand it is possible to create ZP electoral division, but not Panchayat Samiti Electoral College within Uchgaon division. As per order we have to form Uchgaon division first and then we have to move to other divisions. but since it is not possible to create Uchgaon division as per demands of petitioner, other divisions will follow same and demands of petitioner cannot be accepted (same as commissioner order) Page no.77-84	Applications rejected (Page no. 76-81)
3.	WP 11125/2025  Raosaheb Sadashiv Patil, Karveer	Objection was about Mudshingi division. But broadly having following demands 1.Gandhinagar village should not be divided. 2. Gandhinagar be included in Uchgaon division without dividing village. 3. Sarnobatwadi be included in Pachgaon division. 4. Vasagade be included in Mudshingi division.5. Tamgao be included in Gokul Shirgao Division (Page no 64-65)		Applications rejected (Page no. 74-80)
4.	WP 11128/2025  Sachin Ankush Deshmukh, Karveer	Objection was about Uchgaon division. But broadly having following demands 1.Gandhinagar village should not be divided. 2. Gandhinagar be included in Uchgaon division without dividing village. 3. Sarnobatwadi be included in		Applications rejected (Page no. 77-84)

		Pachgaon division. 4. Vasagade be included in Mudshingi division.5. Tamgao be included in Gokul Shirgao Division (Page no 67-68)		
5.	WP 11126/2025  Shashikant Shamrao Khot, Karveer	Objection was about Gokul Shirgao division. But broadly having following demands 1.Gandhinagar village should not be divided. 2. Gandhinagar be included in Uchgaon division without dividing village. 3. Sarnobatwadi be included in Pachgaon division. 4. Vasagade be included in Mudshingi division.5. Tamgao be included in Gokul Shirgao Division (Page no 70-71)		Applications rejected (Page no. 80-86)
6.	WP (St.) 28637/ 2025  Sushila Tukaram Gurav & Ors. Kagal.	Previously, Jainyal was part of the Kapshi Panchayat Samiti and Zilla Parishad, which was convenient for its residents. Under the new plan, Jainyal is included in the Haldi Panchayat Samiti and Chikhli Zilla Parishad, which is inconvenient for residents in terms of services like banks, markets, and other facilities. They request that Jainyal be re-included in the Kapshi Zilla Parishad/Panchayat Samiti and Haldawade remain within the Haldi boundary to prevent its division. <b>(Page No. 15 to 24)</b>	According to order dated 12/06/2025 of Rural Development Department Maharashtra State the number of Zilla Parishad Electoral Divisions were increased from 5 to 6 and Panchayat Samiti Electoral colleges from 10 to 12 in Kagal Taluka. Including Jainyal in Kapshi Electoral Division would cause the population of both Kapshi and Chikhli electoral divisions to fall outside the mandated 10% average population limit. Haldi and Haldawade are two separate villages with their own distinct gram panchayats. Proposal to swap Jainyal with Haldawade would create a population imbalance. Thus, recommended for rejection. <b>(Page No. 58 to 62)</b>	Objections rejected. <b>(Page No 58 to 62)</b>
7.	WP 11059/2025  Sunil Baburao	Objector raised objection requesting that Mahakve village be removed from the Siddhanerli Zilla Parishad Constituency and that a new	Collector recommended to partially approve the objection regarding re-organization of electoral divisions and college. The	The Commissioner has approved the proposed changes to the electoral

	Bongarde & Ors., Kagal	<p>Mahakve Zilla Parishad Constituency be created. The objection is based on several key points :</p> <p>Poor Connectivity: The Siddhanerli area is difficult for Mahakve residents to access due to poor transportation.</p> <p>Population and amenities: With a population of over 5,000.</p> <p>Mahakave is a central hub with a nationalized bank, schools, healthcare, and other essential facilities.</p> <p>Precedent: The objection notes that similar charges were made during the 2017 constituency delimitation, where villagers were reorganized based on population and geographical convenience. The request is to form a new constituency for Mahakve, taking into account its population, geographical location, and transportation need. <b>(Page No.10-16)</b></p>	<p>proposed changes are aimed at addressing the concerns of poor connectivity and ensuring population deviation limits are met.</p> <p>Mahakve Village : It will be moved from 30-Siddhanerli to 32-Bange. Since Mahakve is the most populated village in the latter, the division will be renamed 32-Mahakve electoral Division.</p> <p>Population Balance: To prevent the population of 30-Siddhanerli from falling below the 10% deviation limit, the villages of Pimpalgaon Budruk and Shankarwadi will be added to it. Proposed changes to Electoral college. The electoral colleges will also be restructured to maintain geographical contiguity and population limits:</p> <p>The current 63-Bange Electoral College will be formed with the villages of Siddhanerli, Vannur, Ekondi, Shankarwadi and Shendur. A new 60-Sake Electoral college will be created, including the villages of Sake, Bamni, Vhanali, Sawarde Khurd, Pimpalgaon Budruk, Kenwade and Gorambe.</p> <p>The recommendation is to approve the application, with the necessary changes to be made in the official documents and maps <b>(Page No.66-75)</b></p>	<p>divisions and college based on an objection. The decision aligns with the recommendations of the Collector, Kolhapur. The approval is based on these points:</p> <p>Geographical Contiguity : Mahakve village will be moved from the Siddhanerli Electoral Division to the Bange Electoral Division because it is geographically closer to Bange. The two areas are separated by the Dudhganga River and parts of Karnataka, lacking contiguity.</p> <p>Renaming: The Bange Electoral Division will be renamed 32-Mahakve and corresponding electoral college will be renamed 63-Mahakve, as Mahakve is now the most populated village in the area.</p> <p>Population Balance: To maintain the required population limits for the Siddhanerli division, two villages – Pimpalgaon Budruk and</p>
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				Shankarwadi – will be added to it. New Electoral college : A new electoral college will be formed and named Sake after its most populous village. This college will include Sake, Bamni, Vhanali, Sawarde Khurd, Pimpalgaon Budruk, Kenwade and Gorambe (Page No.66-75)
Present petitioner has no objection on the organization of Electoral Division and college published by Collector Kolhapur on 14.07.2025. Because of Respondent no.7 and 8 i.e. objector Shri. Bajirao Patil and Varsha Patil, have raised objections on the published Electoral Divisions and colleges. After hearing on 05.08.2025, the Divisional Commissioner allowed objections and decision given on 11.08.2025 (Page no.66-75). Because of said order, Petitioner got aggrieved and they filed this writ petition.				
8.	9612/2025  Sudhir Rajaram Desai, Ajara	As per government notification dt. 12.06.2025 government has reduced the number of Zilla Parishad seats to be elected from the Tal-Ajara to 2 which was 3 in the last election held in the year 2017. Even if it is admitted for the sake of argument that the ratio comes to 51000 voters 1 councillor then it has to be applied equally throughout the State. However, factual matrix of the said ratio in the Kolhapur district itself is not uniformly applied. In Tal-Gaganbavda in same Kolhapur it is 18886 voters 1 councillor and also for total Number of Zilla Parishad councillors is 68 against 2753995 the total population as per Census 2011 it that comes to 40,499 voters=1 councillor. Hence the ratio comes for entire district is 40,499 voters-1 councillors. Hence as per the said criteria, the Ajara	In accordance with the objection mentioned in the application, As per order of Department, Rural Development Maharashtra State, dated 12 <sup>th</sup> June 2025, 2 Zilla Parishad Election Divisions and 4 Panchayat Samiti Election colleges have been mentioned for Ajra Taluka. Accordingly, as per the instructions in the order, population average, geographical continuity ward formation is done in 2 Zilla Parishad division. The said allotment is proper and legal. Remark copy annexed with this chart.	Application Rejected – Commissioners Decision copy annexed with this chart.

		Taluka requires 3 Z.P councillors to represent the Zilha Parishad (on WP Page No.06 and 07)		
Note - Writ Petition was filed on 10/7/2025 before the Divisional Commissioner hearing (05/08/25). At hearing objection was taken on number of Zilla Parishad seats. Same kind of objection was mentioned in writ petition page no.6 and 7.				

### **DISTRICT - SANGLI**

<b>Sr. No.</b>	<b>W.P. No. / Petitioners Name</b>	<b>Objection Raised</b>	<b>Collector Remark</b>	<b>Commissioner's Decision</b>
<b>1.</b>	WP (St.) No. 27822/2025  Nikhil Kisan Kolekar, Tal. Atpadi	Deleting the name of village Tadwale and Talewadi from Nelkaranji Panchyat Gan and Kharsundi G.p Gat Because earlier the village Talewadi was part of Kargani, grampanchyat. Weekly bajar held at Kargani. The post offices and gas agency is in kargani. Making this will help for social and economical structure of gat/gan (page no 58-60)	If we consider the geographical situation of both villages they are far away from each other. Adding the villages will create imbalance of norms of population as well as geographical situation considered as per the norms mentioned in GR dt 12.06.2025 ( Page no 117 to 124)	Application rejected ( page no 117 to 124)
		Deshmukhwadi & Pujarwadi Aa, Pimpri khu. should be added in Vittalapur Gan. Because of population as well as geographical situation. Making this will help for social & economical stucture of gat/gan (page no 58-60)	Adding the villages will create imbalance of norms of population as well as geographical situation considered as per the norms mentioned in GR dt 12.06.2025 ( Page no 117 to 124)	Partially Approved as per the norms mentioned in GR dt 12.06.2025 Article 3.6 ( Page no 117 to 124)
<b>2.</b>	WP (St.)No. 27827/2025  Murlidhar Bhimrao Mhargude Tal. Atpadi	Deshmukhwadi & Pujarwadi Aa, Pimpri khu. should be added in Vittalapur Gan. Because of population as well as geographical situation. Making this will help for social & economical structure of gat/gan (page no 70-72)	Adding the villages will create imbalance of norms of population as well as geographical situation considered as per the norms mentioned in GR dt 12.06.2025 (page no 124 to 131)	Partially Approved as per the norms mentioned in GR dt 12.06.2025 Article 3.6 (page no 124 to 131)
		Shetphale & Patrewadi should be included in Gan Madgule because of population as well as geographical situation. (page no 70 to 72)	Adding the villages will create imbalance of norms of population as well as geographical situation considered as per the norms mentioned in GR dt	Application rejected (page no 124 to 131)

			12.06.2025 (page no 124 to 131)	
		Tadawale & Talewadi in Kargani Gan Because demarcation is done without considering geographical system Making this will help social and economical structure of gat/gan (page no 70 to 72)	If we consider the geographical situation of both villages, they are far away from each other. Adding the villages will create imbalance of norms of population as well as geographical situation considered as per the norms mentioned in GR dt 12.06.2025 (page no 124 to 131)	Application rejected (page no 124 to 131)
		Pisewadi & Awalai in Nimbawade Gan because demarcation is done without considering geographical system. Making this will help social and economical structure of gat/gan (page no 70 to 72)	It is necessary if we include Pisewadi & Awalai in Nimbawade Gan it will divide village Sherewidi which is part of same Grampanchyat (Awalai) (page no 124 to 131)	Application rejected (page no 124 to 131)
		Balewadi be included in either Gan Nelkaranji or in Gan Kharsundi Because demarcation is done without considering geographical system. Balewadi to Nimbawade distance 30 k.m away & Balewadi to Kharsundi distance 5 k.m. making this will help social and economical structure of gat/gan (page no 70 to 72)	If Village Balewadi is removed from Nimbawade gan It will create imbalance in population ratio average. as per the norms mentioned in GR dt. 12.06.2025 (page no 124 to 131)	Application rejected (page no 124 to 131)
3.	27826 Fattasing Appasaheb Deshmukh & Anr. Atpadi.	Pujarwadi (AA) and Deshmukhwadi are added to the Dighanchi Zilla Parishad gat and Vitthalapur Panchayat Samiti gan it will violate the guideline of maintaining population variation within a 10% limit. (Page no 3 to 6)	Adding the villages will create imbalance of norms of population as well as geographical situation considered as per the norms mentioned in GR dt. 12.06.2025 (Page no 65 to 66)	Partially Approved as per the norms mentioned in GR dt 12.06.2025 Article 3.6 (Page no 65 to 66)

**DISTRICT - SATARA**

<b>Sr. No.</b>	<b>W.P. No. / Petitioners Name</b>	<b>Objection Raised</b>	<b>Collector Remark</b>	<b>Commissioner's Decision</b>
1.	WP 11124/2025 Nitin Kushab Lavangare, Taluka Koregaon	The ward structure has been created without proper methodology and geographic consideration. Since the establishment of the Ambawade village, Koregaon, and Khadkhadwadi, it has been primarily in the Kinhai group. The Kinhai village is four kilometers away from Ambawade village, Koregaon, and Khadkhadwadi, and the Vathar station village is approximately 30 kilometers away. The grouping and division have been done incorrectly without considering any of these factors, which is objectionable. The villages of Ambawade, Koregaon, and Khadkhadwadi should be included in the Kinhai group, which has existed for a long time. <b>(Page No.75)</b>	Considering the objections of the stakeholders as well as the observations of the Taluka Officer of Koregaon and the Sub-Divisional officer of Koregaon, with the increase in the number of 1 Zilla Parishad group and 2 Panchayat Samiti groups in the Koregaon Taluka while preparing the draft ward structure for 2025, the geographical boundaries, communication facilities, natural limits, and demographic criteria have been strictly followed. The objections raised by the stakeholders indicate a violation of the population criteria. Therefore, I agree with the observations of the Taluka Officer of Koregaon and the Sub-Divisional Officer of Koregaon. Hence, the stakeholders' objections should be rejected <b>(Page no 76 to 78)</b>	Considering Collectors remarks, application is rejected. <b>(Page no.76 to 78)</b>
2.	WP 11123/2925 Uttam Dharma Gaikwad, Satara	1. To include villages Borkhal, Aasgaon from 41 Khed to 39 Patkhal electoral division &  2. To include village Dhangarwadi (Kodoli) from 41 Khed to 42 Kodoli electoral division <b>(Page no.82 to 84)</b>	In 2017 there were 10 electoral divisions & there were 20 Electoral colleges in Satara taluka. Now in year 2025 there are 8 electoral divisions & there are 16 electoral colleges. Inclusion of all villages. I.e Borkhal, Dhangarwadi (Kodoli) and Aasgaon as per demand of objector violates the population criteria mentioned in government resolution dated 12/6/2025 (clause 3. 4). However to maintain geographic contiguity (clauses 3.5.5) and taking into consideration	Application partly allowed <b>(Page no.85 to 88)</b>

			transportation (clause 3.5.7) and clause 3.6, it is necessary to include Aasgaon into Pathkhal electoral division. Hence it should be partially accepted. <b>(Page no.85 to 88)</b>	
3.	WP 28533/2025 Mahesh Rashal and others, Satara	1. To include villages Sonapur, Bhiravgad, Mandve, Ninam From 44 Shendre electoral division to Nagthane electoral division <b>(Page no 208 to 213)</b>	In 2017 there were 10 electoral divisions and there were 20 Electoral college in Satara taluka. Now in year 2025 there are 8 electoral divisions & there are 16 electoral college. Inclusion of all villages I.e Ninam, Mandave, Bhairvgad and Sonapur as per demand of objections violates the population criteria mentioned in government resolution dated 12/6/2025 (clause 3.4) However to maintain geographic contiguity (clauses 3.5.5) and taking into consideration transportation (clause 3.5.7) and clause 3.6, it is necessary to include Sonapur into Nagthane electoral division. Hence it should be partially accepted. <b>(Page no.220 to 227)</b>	Application partly allowed <b>(Page no.220 to 227)</b>
		2. To include Villages Yavateshwer, Shelkewadi, Aste Punarvasan, Sambarwadi From 43 Kari Electoral Division to 44 Shendre electoral division. <b>(Page no 208 to 213)</b>	In 2017 there were 10 electoral divisions & there were 20 Electoral college in Satara taluka. Now year 2025 there are 8 electoral divisions & there are 16 electoral college. Inclusion of all villages, i.e Yavateshwar, Shelkewadi, Aste Punarvasan, Sambarwadi, Dare Budruk and Awadwadi, Ramnagar as per demand of objector violates the population criteria mentioned in government resolution dated 12/6/2025 (clause	Application rejected. <b>(Page no.220 to 227)</b>
		3. To include villages Dare budruk and Awadwadi from 40 Limb Electoral division to 44 Shendre electoral division <b>(Page no.208 to 213)</b>		
		4. To include the Ramnagar from 39 Pathakal electoral division to 40 Limb electoral		

		division. (Page no.208 to 213)	3.4.) hence it should be rejected. (Page no.220 to 227)	
4	WP 11122/2025  Surendra Gudage, Satara Khatav	<p>1. 45 – The population of Mayani is 17,223. In the previous election, the village of Gundewadi (Marathanagar) was included in the Mayani Panchayat Samiti area. The population of Gundewadi village is 991. With the inclusion of Gundewadi village in the Mayani Panchayat Samiti area, the population of the area is approaching the average. Meanwhile, the unnecessarily increased population of Nimsod area is decreasing.</p> <p>2. 46 – The population of Kaledhon is 17,204. In the previous election, the village of Hiwarwadi was included in the Kaledhon Panchayat Samiti area. The population of Hiwarwadi village is 859. With the inclusion of Hiwarwadi village in the Kaledhon Panchayat Samiti area, the population of the area is approaching the average and the unnecessarily increased population of Katar Khatav area is decreasing. (Page no.27 to 28)</p>	<p>Considering the objections of the objector as well as the comments of the Tahsildar Khatav and the Sub-Divisional Officer Man Khatav, since there has been an increase in the number of groups in 1 Zilla Parishad and 2 Panchayat Samiti in Khatav Taluka, while preparing the draft ward structure for 2025, the geographical boundaries, communication facilities, natural limits, and population criteria have been strictly adhered to, in accordance with the notification given by the Maharashtra Government's Rural Development Department on June, 12, 2025. Therefore, I agree with the views of the Tahsildar Khatav and the Sub-Divisional Officer Man Khatav. Hence, the objection raised by the objector should be partially accepted. (Page No.29 to 30).</p>	<p>Application partly allowed. Out of two objections, second objection has been considered. (Page no.29 to 30)</p>

We must mention that there are four Petitions, the details of which do not find a place in the chart reproduced above. However, we have perused Exhibit-E (Pg. Nos. 76-78) of Writ Petition No. 11121 of 2025, Exhibit-F (Pg. Nos. 74-76) of Writ Petition No. 11199 of 2025, Exhibit-B (Pg. Nos. 14-18) of Writ Petition No.

11216 of 2025 and Exhibit-C (Pg. Nos. 65-108) of Writ Petition No. 11073 of 2025, which deal with the objections raised by the Petitioners therein, the Collector's remarks and the Divisional Commissioner's decision.

**41.** The scope of interference in the aforesaid exercise will have to be dealt with keeping in mind the observations of the Hon'ble Supreme Court in *Rahul Ramesh Wagh* (supra). As indicated earlier, Article 243-O bars the courts from interfering in electoral matters, such as challenges to the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purported to be made under Article 243-K. It also bars courts from entertaining challenges to elections to any Panchayat except by way of an election petition. Article 243-ZG imposes the same bar on the Courts in the context of municipal elections. These provisions narrow the scope of judicial review in matters related to elections, especially the delimitation exercise.

**42.** The Hon'ble Supreme Court in *Pradhan Sangh Kshettra Samiti* (supra) was considering the challenge to the order of the High Court which decided in favour of the petitioners in the Panchayat Elections pertaining to the delimitation process. The Hon'ble Supreme Court

reversed the High Court's order observing that neither the delimitation of the Panchayat constituencies in the said areas nor the allotment of seats to the constituencies could be challenged in any court of law. Nevertheless, Their Lordships, carved out an exception to this constitutional bar, holding that a delimitation order may be challenged only on the ground that objections were not invited, or that an opportunity of hearing such objections was not provided. This observation opened the door for the delimitation exercise to be challenged solely in cases where the invitation and hearing of objections was not carried out.

**43.** The Hon'ble Supreme Court, then in *Anugraha Narain Singh (supra)*, at para 12 held that it is well settled by now that if the election is imminent or well underway, 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. The principle laid down in *Pradhan Sangh Kshettra Samiti (supra)* was reiterated at paras 29 and 30, which read thus :-

*“29. Dealing with the provisions of the Constitution relating to panchayats contained in Articles 243-A to 243-O (which are*



*similar to Articles 243-Q to 243-ZG relating to Municipalities), this Court in the case of State of U.P. v. Pradhan Pradhan Sangh Kshettra Samiti, AIR 1995 SC 1512 at 1528, held :-*

*"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 indicate the manner in which the same would be done. So long as the panchayat areas and conformity with the constitutional provisions or without committing a breach thereof, the Courts cannot interfere with the same.*

*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 questions of the validity of any law relating to the delimitation of the constituencies or the allotment or 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."*

**30.** *It was also held by the Court that any challenge to the validity of the delimitation of constituencies or the allotment of seats to such constituencies and the election to any Panchayat should not be entertained by Court except on the ground that before the delimitation, no objection was invited and no hearing was given. It was, thereafter, observed as under: (SCC p. 332, para 45).*

*"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."*

**44.** There are several other decisions relied upon by the learned counsel in support of this proposition. However, any further reference to

the same will only amount to multiplication of authorities in support of this well settled principle.

**45.** Applying the law laid down by the Hon'ble Supreme Court to the facts of this case, let us test whether the authorities invited the objections and whether an opportunity of hearing the said objections was provided. We find from the material produced before us that the concerned authorities entrusted with carrying out the exercise of delimitation invited objections to the delimitation process in all these petitions and an opportunity of hearing such objections was provided. A perusal of the above reproduced charts indicate that the objections were considered by the Divisional Commissioner following which they were either rejected or in some cases partially allowed. The Divisional Commissioner arrived at a final decision on the basis of the materials and after considering the remarks of the Collector. Having regard to the materials on record, we have no hesitation in observing that due consideration was accorded to the objections by the Divisional Commissioner before rejecting or partially allowing them for which there is due application of mind. We, therefore, have no hesitation in refuting the petitioners' claim that the objections raised were arbitrarily rejected.

**46.** Another important reason why we should be slow in exercising our jurisdiction under Article 226 of the Constitution of India is in view of the significant observations of the Hon'ble Supreme Court in *Rahul Ramesh Wagh* (supra). Their Lordships were concerned that no elections have been held to the local bodies for several years. It is, therefore, made imperative by Their Lordships that the elections have to be held within the extended period i.e. upto 31<sup>st</sup> January 2026. Moreover, as the elections to the local bodies are imminent, is another reason for this court to exercise restraint in stopping the election process.

**[H] APPROVAL OF STATE ELECTION COMMISSION :**

**47.** One of the contentions of learned counsel for the petitioners is that the exercise of division of districts into electoral divisions calls for interference as there is no valid approval of the SEC as required under Section 12(1) of the Zilla Parishad Act. We have already examined the importance of SEC in light of the authoritative pronouncements of the Hon'ble Supreme Court. Sub-section (1) of Section 9A of the Zilla Parishad Act provides that the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Zilla Parishads and Panchayat Samitis shall be vested in a State Election Commission. No doubt, in terms of Sub-section (2) of Section

9A, the State Government has the power, by order, to delegate any of its powers and functions to any officer of the SEC or any officer of the State Government not below the rank of Tahasildar. Sub-section (3) of Section 9A is significant. As per sub-section (3), all the officers and members of the staff appointed or deployed for the preparation of electoral rolls, electoral divisions, electoral colleges, and conduct of elections of Zilla Parishads and Panchayat Samitis under this Act or the Rules shall function under the superintendence, direction and control of the SEC. Again, it is significant to note that under Sub-section (4), notwithstanding anything contained in the Act or Rules, the SEC is empowered to issue such special or general orders or directions which may not be inconsistent with the provisions of the Zilla Parishad Act and the rules for fair and free elections.

**48.** It is thus seen that though the SEC may delegate any of its functions and powers, but the ultimate superintendence, direction and control over the officers and members of the staff appointed or deployed for preparation of electoral division has to be undertaken by the SEC. Any special directions or orders which are issued by the SEC, cannot be inconsistent with the provisions of the Zilla Parishad Act, the object of which is obviously for ensuring fair and free elections.

**49.** Reading sub-section (1) of Section 12 does indicate that it is the State Government or an officer authorized by it, who shall, for the purpose of election of Councillors, carry out the exercise of delimitation. Though the exercise of delimitation is to be carried out by the State Government or an Officer authorized by it, however, for the delimitation exercise, the approval of the SEC is necessary. The question posed by learned counsel for the petitioners is whether the SEC can delegate the power of granting approval to the Divisional Commissioner, moreover when the Divisional Commissioner himself is empowered by the State Government to hear and decide the objections to the draft electoral division under Section 12(1).

**50.** In *Kishansing Tomar v/s. Municipal Corporation, Ahmedabad*<sup>24</sup>, the Constitution Bench of the Hon'ble Supreme Court clearly set out the powers of the SEC. The Hon'ble Supreme Court in *Fouziya Imtiaz Shaikh (supra)* referred to the decision in *Kishansing Tomar (supra)* in para 56, which reads thus :-

*“56. In Kishansing Tomar v. Municipal Corpn., Ahmedabad (supra), a Constitution Bench of this Court clearly set out the powers of the State Election Commissions under the Constitution as follows:*

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<sup>24</sup> (2006) 8 SCC 352

*“22. In our opinion, the entire provision in the Constitution was inserted to see that there should not be any delay in the constitution of the new municipality every five years and in order to avoid the mischief of delaying the process of election and allowing the nominated bodies to continue, the provisions have been suitably added to the Constitution. In this direction, it is necessary for all the State Governments to recognise the significance of the State Election Commission, which is a constitutional body and it shall abide by the directions of the Commission in the same manner in which it follows the directions of the Election Commission of India during the elections for Parliament and the State Legislatures. In fact, in the domain of elections to the panchayats and the municipal bodies under Part IX and Part IX-A for the conduct of the elections to these bodies they enjoy the same status as the Election Commission of India.”*

*23. In terms of Article 243-K and Article 243-ZA(1) the same powers are vested in the State Election Commission as the Election Commission of India under Article 324. The words in the former provisions are in pari materia with the latter provision.*

*24. The words, “superintendence, direction and control” as well as “conduct of elections” have been held in the “broadest of terms” by this court in several decisions including Special Reference No. 1 of 2002, In re (Gujarat Assembly Election matter)[2002 8 SCC 237] and Mohinder Singh Gill case [Mohinder Singh Gill v. Chief Election Commr (1978) 1 SCC 405] and the question is whether this is equally relevant in respect of the powers of the State Election Commission as well.*

*25. From a reading of the said provisions it is clear that the powers of the State Election Commission in respect of conduct of elections is no less than that of the Election Commission of India in their respective domains. These powers are, of course, subject to the law made by Parliament or by the State Legislatures, provided the same do not encroach upon the plenary powers of the*

said Election Commissions.

26. The State Election Commissions are to function independent of the State Governments concerned in the matter of their powers of superintendence, direction and control of all elections and preparation of electoral rolls for, and the conduct of, all elections to the panchayats and municipalities.

27. Article 243-K(3) also recognises the independent status of the State Election Commission. It states that upon a request made in that behalf the Governor shall make available to the State Election Commission “such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1)”. It is accordingly to be noted that in the matter of the conduct of elections, the Government concerned shall have to render full assistance and cooperation to the State Election Commission and respect the latter's assessment of the needs in order to ensure that free and fair elections are conducted.

28. Also, for the independent and effective functioning of the State Election Commission, where it feels that it is not receiving the cooperation of the State Government concerned in discharging its constitutional obligation of holding the elections to the panchayats or municipalities within the time mandated in the Constitution, it will be open to the State Election Commission to approach the High Courts, in the first instance, and thereafter the Supreme Court for a writ of mandamus or such other appropriate writ directing the State Government concerned to provide all necessary cooperation and assistance to the State Election Commission to enable the latter to fulfil the constitutional mandate.” (emphasis in original)”

(emphasis supplied)

**51.** Thus, the SECs are to function independently of the State Government concerned, in the matter of their powers and

superintendence, direction and control of elections and preparation of electoral rolls for, and the conduct of, all elections to the Panchayats. It is only because the SEC is under-staffed and, considering the magnitude of the election process, that request can be made by the SEC to the State Government for deployment of such staff as may be necessary for the discharge of its functions. The State Government has to co-operate with the SEC by providing such staff as may be necessary for the discharge of the functions conferred on the SEC. All this in order to ensure that free and fair elections are conducted and that it enables the SEC to fulfill the constitutional mandate for its independent and effective functioning.

**52.** Learned counsel for the petitioners submitted that the function of the SEC to grant approval cannot be delegated. It is submitted that though the SEC, by an order, may delegate any of its powers and functions, the casualty should not be free and fair elections. It is urged that by delegating the power of approval, the SEC has virtually abdicated its core power of independent and effective functioning. *Prima facie*, the submission is attractive, which may necessitate a larger debate in appropriate proceedings. Further, we find that the power of approval is conferred on the very same Divisional Commissioner who is empowered to hear the objections/suggestions, finalization of electoral divisions and



electoral colleges. Whether or not the decisions relied upon by learned Senior Advocate for the SEC in *Vijayadevi Navalkishore Bharati* (supra), *Ashok Kumar Das & Ors.* (supra), *H.C. Narayanappa & Ors.* (supra) and *Vipin Kumar Jain & Ors.* (supra) are of any assistance to the SEC will need a deeper consideration given the important role of the SEC in ensuring a free and fair election.

**53.** Undoubtedly, the provisions of Article 243-O of the Constitution bars the court from interfering in electoral matters. The scope of judicial review in the matters of elections, especially delimitation exercise is extremely narrow. In *Kihoto Hollohan Vs. Zachillhu and Ors.*<sup>25</sup> it is observed at para 55 that provisions which seeks to exclude the jurisdiction of the courts are strictly construed.

**54.** In view of the constitutional bar under Article 243-O and 243ZG and significantly the observations of the Hon'ble Supreme Court in *Rahul Ramesh Wagh* (supra), where Their Lordships have expressed concern that no elections have been held to the local bodies for several years and considering that the elections have to be held within the extended period i.e. upto 31<sup>st</sup> January 2026 prescribed by the Hon'ble Supreme Court, it is

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<sup>25</sup> 1992 Supp (2) SCC 651.

not possible for us to interfere with the elaborate exercise conducted by authorities under the Zilla Parishad Act. We do not find the exercise of delimitation to be so grossly in violation of the constitutional and statutory prescription as to warrant any interference in our jurisdiction under Article 226 of the Constitution of India.

**55.** The Writ Petitions are, therefore, dismissed with liberty to the petitioners to raise all such contentions as permissible in law after the elections are over. No order as to costs.

[ Sharmila U. Deshmukh, J. ]

[ M. S. Karnik ]