

ITEM NO.16

COURT NO.1

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).10513/2020

(Arising out of impugned final judgment and order dated 26-05-2020 in WP No.3323/2020 passed by the High Court of Judicature at Bombay at Aurangabad)

SAMEER

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

IA No.141589/2021 - DISMISSING THE CASE
WITHSLP(C) No. 11190/2020 (IX)(FOR DISMISSING THE CASE ON IA 141594/2021
IA No. 141594/2021 - DISMISSING THE CASE)

Date : 03-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MS. JUSTICE HIMA KOHLIFor Petitioner(s) Mr. Sanjay Hegde, Sr.Adv.
Ms. Akriti Chaubey, Adv.
Mr. Ejaz Maqbool, AOR
Mr. Saif Zia, Adv.Mr. Devadatt Kamat, Sr.Adv.
Mr. Devdatta P. Palodkar, Adv.
Mr. Shashibhushan P. Adgaonkar, AOR
Mr. Omkar Deshpande, Adv.
Mr. Gagandeep Sharma, Adv.For Respondent(s) Mr. Aniruddha Joshi, Adv.
Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.Mr. Ajit Kadethankar, Adv.
Mr. Vijay Kumar, Adv.
Mr. Shantanu, Adv.
Mr. M.Adkar, Adv.
Ms. Bharti Tyagi, AOR

Mr. Charudatta Vijayrao Mahindrakar, AOR

UPON hearing the counsel the Court made the following
O R D E R

These petitions are directed against Judgment and Order dated 26.05.2020 passed by the High Court of Judicature at Bombay, Bench at Aurangabad in Writ Petition Nos. 3323 of 2020 and 3934 of 2020 respectively whereby the High Court dismissed the petitions preferred by the petitioners herein.

Heard learned counsel appearing on behalf of the rival parties and carefully perused the material placed on record.

It is the grievance of the petitioner in both these petitions that there is a leakage of information regarding the delimitation of wards on the part of the State Election Commission to certain political parties and influential persons, which is detrimental to the process of delimitation.

It is pertinent to mention here that in para No.13 of the counter affidavit filed by the State Election Commission before the High Court of Bombay at Aurangabad, it has been stated as under:

"13. It is also submitted that on knowing about the allegation of leakage of information made in the writ petitions, the SEC has already directed the Municipal Commissioner to conduct an enquiry in the matter and take appropriate action. Accordingly, the Municipal Commissioner has initiated enquiry in the matter. The interim report is received from the Municipal Commissioner and is placed herewith on record, annexed as Annexure-2."

The respondent no. 2-State Election Commission of Maharashtra has filed two interlocutory applications i.e, IA Nos.141589/2021 and 141594/2021 seeking disposal of the instant petitions in view

of the subsequent developments and circumstances mentioned in the said applications.

Para Nos.2, 3, 6 and 7 of the above-mentioned applications read as under:

2. The writ petition, out of which the present special leave petition arises, sought to challenge notification dated 24-02-2020, whereby the process of delimitation of wards/ward formation/reservation in Aurangabad Municipal Corporation was finalised and notified.

3. Initially, Section 5 (3) of the Maharashtra Municipal Corporation Act, 1949 (hereinafter referred to as the "Act") provided for a multi-member ward. As such the Respondent No.2 was carrying on the process of delimitation on the basis of a multi-member ward.

6. During the pendency of the Special Leave Petition, on 30-09-2021, the Honourable Governor of Maharashtra has promulgated an Ordinance, namely, Maharashtra Municipal Corporations (Amendment) Ordinance, 2021. By the said Ordinance, Section 5 (3) of the Act has been once again amended and the system of 'multi-candidate ward has been restored' and 'one seat-one ward has been done away with'. A copy of the ordinance dated 30-09-2021 is annexed is annexed as Annexure A-2.

7. It is, therefore, submitted that in view of the Ordinance dated 30-09-2021, a fresh process of delimitation has to be undertaken and thus, the old delimitation, which is under challenge before this Hon'ble Court, would not more be valid. Thus, the special leave petition has become infructuous and may be dismissed as such."

Learned counsel appearing on behalf of respondent No.2 submitted that on 30-09-2021, the Governor of Maharashtra has promulgated an Ordinance, namely, Maharashtra Municipal Corporations (Amendment) Ordinance, 2021 and by the said Ordinance, Section 5 (3) of the Act has been once again amended and the system of 'multi-candidate ward has been restored' and 'one seat-one ward

has been done away with'. Learned counsel further submitted that in view of the Ordinance dated 30-09-2021, a fresh process of delimitation has to be undertaken and thus, the old delimitation, which is under challenge before this Hon'ble Court, would no longer be valid.

Learned counsel for respondent no. 2 accordingly prays that the instant petitions be disposed of as having become infructuous and the *status quo* granted by this Court vide order dated 06.10.2020 be vacated.

Having heard learned counsel for the rival parties and on carefully perusing the material placed on record, we vacate the order dated 06.10.2020 directing *status quo* and dispose of these special leave petitions in view of the developments and circumstances mentioned in the said applications. Respondent no.2 - State Election Commission of Maharashtra is directed to take necessary steps to ensure that information regarding delimitation may not be leaked in the future, and the delimitation process be undertaken strictly in accordance with law.

Consequent upon disposal of these petitions, interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(R.S. NARAYANAN)
COURT MASTER (NSH)