

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 7437/2026

Amrita Meena Wife Of Shri Siyaram Meena, Aged About 47 Years, Ward No.15, Nagar Palika Todabhim, Tehsil Todabhim, District Karauli (Rajasthan).

-----Petitioner

Versus

1.

The State Of Rajasthan, Through Director And Special Secretary, Local Self Government Department, Govt. Of Rajasthan, Govt. Secretariat, Jaipur (Raj.).
2.

The District Election Officer (District Collector), Karauli.
3.

State Election Commission, Through State Election Commissioner, Rajasthan, Office Of Rajasthan State Election Commissioner, Jaipur.
4.

Nagar Palika Todabhim, Through Its Executive Officer, Todabhim, District Karauli, Rajasthan.

-----Respondents

For Petitioner(s)

:

Mr. Anil Mehta, Sr. Adv. assisted by
Mr. Yashodhar Pandey

For Respondent(s)

:

Mr. G.S.Gill, AAG assisted by
Ms. Shikha Sharma, AAAG

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SHUBHA MEHTA

ORDER

Date of conclusion of arguments

:

23/04/2026

Date on which judgment was reserved

:

23/04/2026

Whether the full judgment or only the operative part is pronounced

:

Full Judgment

Date of pronouncement

:

22/06/2026

(Per Hon'ble the Acting Chief Justice)

1. This is a writ petition preferred by a resident of Nagar Palika Todabhim, District Karauli, alleging that the elections of the Municipal Body are due to be held under the Rajasthan Municipalities Act, 2009 (for short 'the Act of 2009') this year.

2. The petitioner refers to the Notifications dated 24th March, 2025 and 03rd April 2025, whereby certain villages that were earlier included were excluded from the Municipality. The division of wards was accordingly notified by the District Collector, proposing constitution of 35 wards and it is submitted that an assessment was to be done on the village population of 790 persons per ward with a permissible variation of $\pm 10\%$. It is submitted that a draft electoral roll was determined on 24th March, 2026 by the State Election Commission, which disclosed the actual ward-wise number of voters.

3. Mr. Anil Mehta, learned Senior Counsel appearing on behalf of the petitioner submits that in terms of the electoral roll and draft published by the State Election Commission, it is apparent that the number of persons shown in the various wards are much lesser than criteria required for determination and division of wards. He submits that an extreme disparity amongst the voters in the wards has been created and according to which, while ward No.25 contains 973 voters, ward No.30 contains only 217 voters. Such disparity far exceeds the permissible variation of $\pm 10\%$ prescribed by the State Government and completely defeats equal representation underlying Articles 14 and 243R of the Constitution. It is submitted that ward division also has been determined without properly proportionating Scheduled Castes, Scheduled Tribes and Other Backward Classes. He submits that a larger population of Scheduled Castes, Scheduled Tribes and Other Backward Classes have been included in the wards with higher voter population, whereas wards predominantly comprising the general category population have been placed in smaller wards,

thereby giving greater representative value to some voters over others. Learned counsel has relied on Section 9(2) of the Act of 2009 to submit that each ward must have proper proportion of population.

4. Per contra, Mr. G.S. Gill, learned Additional Advocate General has opposed the submissions advanced by the learned Senior counsel for the petitioner and has relied on the judgment passed by this Court in the case **Sheela Kumari vs State of Rajasthan & Ors. (D.B. Civil Writ Petition No.7718/2025)(And other connected petitions)** which were decided on 14.11.2025 and submits that the instant writ petition deserves to be dismissed at the threshold at this stage.

5. We have considered the rival submissions.

6. The judgment, as cited by learned AAG was reserved at that stage. In the present petition, the issue raised is that while conducting delimitation exercise and thereafter revising the number of wards, a criteria of 790 persons per ward was taken into consideration, but there is a variation relating to the number of voters.

7. The entire writ petition is based on misleading and deserves to be dismissed only on the point that so far as the Act of 2009 is concerned, it does not mention the word 'voters' but mentions the word 'population' under Section 9, which reads as under:-

"9. Division into wards. - (1) *For purposes of elections, a Municipality shall be divided into such number of wards as is equal to the total number of seats fixed for the Municipality under sub-Section (1) of Section 6.*

(2) *The representation of each ward shall be on the basis of the population of that ward and shall, as far as possible, be in the same proportion as*

the total number of seats for the Municipality bear to its population.”

8. In view of above, it is evident that there may be a higher population of a particular ward but the number of voters may be less, i.e., the population of children below the age of 18 years may be more in a particular ward in comparison to others. The basis of the petition, therefore, being on a presumption that wards should be determined on the basis of number of voters, is wholly misconceived.

9. The writ petition, therefore, deserves to be dismissed and, the same is accordingly dismissed.

10. Pending application(s) also stand dismissed.

(SHUBHA MEHTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ