

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). 19756/2021

[Arising out of impugned judgment and order dated 22-10-2021 in WP No. 11744/2021 passed by the High Court of Judicature at Bombay at Aurangabad]

RAHUL RAMESH WAGH

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No. 145211/2022 - AMENDMENT OF APPEAL / PETITION / I.A., IA No. 145208/2022 - AMENDMENT OF APPEAL / PETITION / I.A., IA No. 23878/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 161602/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 114988/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 243223/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 56832/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 68407/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 243215/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 111081/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 285274/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 56837/2025 - CLARIFICATION/DIRECTION, IA No. 107960/2022 - CLARIFICATION/DIRECTION, IA No. 156051/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 107961/2022 - EXEMPTION FROM FILING O.T., IA No. 293556/2025 - EXEMPTION FROM FILING O.T., IA No. 19520/2022 - EXEMPTION FROM FILING O.T., IA No. 156052/2021 - EXEMPTION FROM FILING O.T., IA No. 289164/2025 - EXEMPTION FROM FILING O.T., IA No. 73438/2022 - EXEMPTION FROM FILING O.T., IA No. 243218/2023 - EXEMPTION FROM FILING O.T., IA No. 285275/2025 - EXEMPTION FROM FILING O.T., IA No. 107967/2022 - EXEMPTION FROM FILING O.T., IA No. 235348/2025 - EXEMPTION FROM FILING O.T., IA No. 23879/2022 - EXEMPTION FROM FILING O.T., IA No. 235346/2025 - EXTENSION OF TIME, IA No. 134970/2022 - INTERVENTION APPLICATION, IA No. 14583/2025 - INTERVENTION APPLICATION, IA No. 56833/2025 - INTERVENTION APPLICATION, IA No. 293238/2025 - INTERVENTION APPLICATION, IA No. 114696/2022 - INTERVENTION APPLICATION, IA No. 243221/2023 - INTERVENTION APPLICATION, IA No. 112860/2022 - INTERVENTION APPLICATION, IA No. 56829/2025 - INTERVENTION APPLICATION, IA No. 7458/2022 - INTERVENTION APPLICATION, IA No. 111099/2022 - INTERVENTION APPLICATION, IA No. 47902/2025 - INTERVENTION APPLICATION, IA No. 6134/2022 - INTERVENTION APPLICATION, IA No. 243209/2023 - INTERVENTION APPLICATION, IA No. 47370/2025 - INTERVENTION APPLICATION, IA No. 28258/2022 - INTERVENTION APPLICATION, IA No. 107957/2022 - INTERVENTION/IMPLEADMENT, IA No. 68401/2022 - INTERVENTION/IMPLEADMENT, IA No. 23089/2025 - INTERVENTION/IMPLEADMENT, IA No. 419/2022 - INTERVENTION/IMPLEADMENT, IA No. 8129/2022 - MODIFICATION OF COURT

ORDER, IA No. 19518/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 156048/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 289162/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No. 46811/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No. 156049/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS, IA No. 422/2022 - RECALLING THE COURTS ORDER and IA No. 107965/2022 - RECALLING THE COURTS ORDER)

WITH

W.P.(C) No. 1316/2021 (X)
(IA No. 28202/2022 - AMENDMENT OF THE PETITION, IA No. 44522/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 157427/2021 - EXEMPTION FROM FILING O.T., IA No. 44897/2022 - EXEMPTION FROM FILING O.T., IA No. 44523/2022 - EXEMPTION FROM FILING O.T., IA No. 1261/2022 - INTERVENTION APPLICATION, IA No. 44895/2022 - INTERVENTION APPLICATION and IA No. 157430/2021 - STAY APPLICATION)

T.C.(C) No. 25/2022 (III)

T.C.(C) No. 26/2022 (III)

T.C.(C) No. 29/2022 (III)

T.C.(C) No. 28/2022 (III)

T.C.(C) No. 27/2022 (III)

T.C.(C) No. 30/2022 (III)

T.C.(C) No. 31/2022 (III)

MA 323/2022 in SLP(C) No. 20160/2021 (IX)
(IA No. 18311/2022 - CLARIFICATION/DIRECTION and IA No. 18313/2022 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 141/2022 (X)
(IA No. 31332/2022 - INTERVENTION/IMPLEADMENT and IA No. 30425/2022 - STAY APPLICATION)

W.P.(C) No. 184/2022 (X)
(IA No. 39000/2022 - EX-PARTE STAY)

W.P.(C) No. 238/2022 (X)
(IA No. 69013/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 49985/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 60983/2022 - EXEMPTION FROM FILING O.T., IA No. 49974/2022 - GRANT OF INTERIM RELIEF, IA No. 92911/2022 - INTERVENTION APPLICATION, IA No. 92907/2022 - INTERVENTION APPLICATION and IA No. 69012/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 207/2022 (X)

(IA No. 49736/2022 - APPLICATION FOR PERMISSION, IA No. 60972/2022 - EXEMPTION FROM FILING O.T., IA No. 69654/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 43322/2022 - STAY APPLICATION)

W.P.(C) No. 250/2022 (X)

(IA No. 68626/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 60953/2022 - EXEMPTION FROM FILING O.T., IA No. 69028/2022 - INTERVENTION APPLICATION, IA No. 68623/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 169072/2022 - PERMISSION TO FILE AMENDED WRIT PETITION)

W.P.(C) No. 278/2022 (X)

(IA No. 77916/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 74532/2022 - EXEMPTION FROM FILING O.T., IA No. 76964/2022 - INTERVENTION APPLICATION, IA No. 74862/2022 - INTERVENTION APPLICATION, IA No. 126486/2022 - INTERVENTION APPLICATION, IA No. 77992/2022 - INTERVENTION APPLICATION, IA No. 77911/2022 - INTERVENTION/IMPLEADMENT, IA No. 75226/2022 - INTERVENTION/IMPLEADMENT and IA No. 127056/2022 - MODIFICATION OF COURT ORDER)

W.P.(C) No. 365/2022 (X)

(IA No. 169363/2022 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS and IA No. 73560/2022 - STAY APPLICATION)

W.P.(C) No. 309/2022 (X)

(IA No. 65095/2022 - STAY APPLICATION)

W.P.(C) No. 650/2022 (X)

(IA No. 137163/2022 - AMENDMENT IN CAUSE TITLE, IA No. 126199/2022 - EXEMPTION FROM FILING O.T., IA No. 117238/2022 - EXEMPTION FROM FILING O.T., IA No. 126193/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 896/2022 (X)

W.P.(C) No. 1001/2022 (PIL-W)

(IA No. 172925/2022 - EXEMPTION FROM FILING O.T.)

Diary No(s). 46401/2024 (PIL-W)

(IA No. 271029/2024 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS and IA No. 25488/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 33/2025 (X)

(IA No. 14916/2025 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 29/2025 (PIL-W)

W.P.(C) No. 187/2025 (X)

(IA No. 81448/2025 - AMENDMENT OF THE PETITION and IA No. 56262/2025 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 471/2025 (PIL-W)

(IA No. 116388/2025 - EXEMPTION FROM FILING O.T. and IA No. 116387/2025 - STAY APPLICATION)

CONMT.PET.(C) No. 774/2025 in W.P.(C) No. 980/2019 (X)

(IA No. 285335/2025 - EXEMPTION FROM FILING O.T.)

Date : 28-11-2025 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

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Mr. Sattyendra Muley, Adv.
Mr. Vaibhav Yeshwant Kulkarni, AOR

For Intervenor

Ms. Shivani A. Gautam, Adv.
Mr. Sumit R. Pal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. We have briefly heard learned Senior Counsel/Counsel for the parties regarding the issues that arise in these matters concerning the local-bodies elections in the State of Maharashtra.
2. In deference to the directions issued on the previous date, Mr. Balbir Singh, learned Senior Counsel representing the State Election Commission, Maharashtra has submitted a brief note for our consideration.

3. It emerges therefrom that there are a total of 246 Municipal Councils and 42 Nagar Panchayats where the election process has already commenced; nominations have been filed and the voting is set to take place on 02.12.2025.

4. It is further pointed out that there are only 40 Municipal Councils out of the total 246 where the reservation is exceeding 50%. Similarly, there are 17 out of 42 Nagar Panchayats where the reservation beyond 50% has exceeded.

5. He also explains that there are in total 29 Municipal Corporations, 32 Zila Parishads and 336 Panchayat Samitis where the election process has not commenced.

6. Taking into consideration the issues that are likely to arise for consideration, these matters are ordered to be listed before a three-Judge Bench, initially on 21.01.2026.

7. Meanwhile, the elections of Municipal Councils and Nagar Panchayats may take place as per the notified schedule. However, it is clarified that the result of the 40 Municipal Councils and 17 Nagar Panchayats where the reservation breaches the 50% limit, shall be subject to the final outcome of these proceedings.

8. As far as the Municipal Corporations are concerned, we are informed that only two Municipal Corporations will have reservations exceeding 50%. That being the case, we direct that the elections of the Municipal Corporations be also notified without any delay and the same shall be conducted at the earliest. The outcome of those two municipal corporations where the reservation exceeds 50% shall necessarily be subject to the outcome of these proceedings.

9. Lastly, in respect of the 32 Zila Parishads and 336 Panchayat Samitis, it is directed that wherever the reservation does not exceed the 50% mark, let the elections be held in accordance with our previous orders.

10. For the purpose of completion and circulation of pleadings, apart from submission of the proposed questions of law that would fall for our consideration, both sides have nominated Mr. Amol B. Karande, learned AOR and Mr. Siddharth Dharmadhikari, learned counsel as nodal Counsel(s). They shall do the needful, and complete the pleadings before 09.01.2026.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR