2025:HHC:37820

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA
CWP No.12051 of 2025
Decided on 11th November 2025

Shiv Singh Sen

…Petitioner

Versus

State of Himachal Pradesh and others

…Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

[1]Whether approved for reporting? Yes

For the petitioner: **M/s Vinod Chauhan and Nandita, Advocates.**

For the respondents: **Mr. Pushpinder Jaswal, Additional Advocate General, for respondents No.1 to 3.**

Mr. Surinder K. Sharma, Advocate, for respondent No.4.

Mr. Rajesh Kashyap, Advocate, for respondent No.5.

Ajay Mohan Goel, Judge *(Oral)*

By way of this petition, the petitioner has, *inter alia*, prayed for the following reliefs:-

(i) *"That the order dated 19.07.2025 (Annexure P-6) and the order dated 16.06.2025 passed by respondent No.3 (Annexure P-3) may kindly be set aside in the interest of justice.*

(ii) That the objection as well as the appeal filed by the present petitioner may kindly be allowed."

2. Brief facts necessary for the adjudication of this petition are that in terms of notification 24.05.2025, the State Election Commission in exercise of powers vested under Article 243ZA of the Constitution of India, read with Section 9 and 10 of the Municipal Corporation Act, 1994 and Section 10 and 281 of the Himachal Pradesh Municipal Act, 1994 read with Rules framed thereunder, issued the programme for delimitation of wards of Urban Local Bodies in the State (excluding Municipal Corporation, Shimla). The petitioner preferred objections with regard to the delimitation of the wards of Municipal Council, Sundernagar in terms of Annexure P-2, dated 06.06.2025. Deputy Commissioner, Mandi, vide order dated 16.06.2025 dismissed the objections filed by the petitioner against the draft delimitation notification of Municipal Council, Sundernagar by holding that the same was devoid of any merit. Appeal filed by the petitioner against the same has been rejected in terms of order dated 19.07.2025 (Annexure P-8) and feeling aggrieved, the petitioner has approached this Court.

3. Learned counsel for the petitioner primarily argued that the delimitation process that has been undertaken with regard to Ward No.4, Salah is bad for the reason that after delimitation, the population of this ward is in excess of 2000, whereas, the population of other wards is much less as compared to this particular ward. Learned counsel further submitted that in the light of this fact, the development of this particular ward would be adversely affected as the funds allotted to this particular ward shall have to be spent upon a large population, as compared to other wards and this important aspect of the matter has not been taken into consideration either by the Deputy Commissioner or by the Appellate Authority. On this short count, he prayed for the setting aside of the orders under challenge. No other point was urged.

4. On the other hand, learned Additional Advocate General for the State as well as learned counsel for respondents No.4 and 5 have supported the orders passed by the Authorities and argued that the delimitation process was undertaken by taking into consideration the statutory

requirements and the wards have been formed by taking into account the natural boundaries like river nallah etc., and if at this stage any interference is done by the Court and any modification is ordered, then, it would be impossible to maintain the formation of the wards in a harmonious manner.

5. Learned counsel for the State Election Commission has also pointed out that the present petition otherwise has lost its efficacy for the reason that in terms of Annexure P-1, the delimitation stood notified in the gazette on 04.07.2025, i.e., much before the passing of the order by the Appellate Authority. Accordingly, he prayed that as there is no merit in the present petition, the same be dismissed.

6. I have heard learned counsel for the parties and have also carefully gone through the pleadings including the orders under challenge.

7. When this case was listed on 04.11.2025, the following order was passed:-

> *"Heard for some time. Learned Counsel for the petitioner submits that as far as Ward No. 4 is concerned, after delimitation, population of that ward comes to around 2400 whereas population of other wards is between 1000 to 1400. This according to him is not in consonance with Rule 4 of the H.P.*

Municipal Council, Election Rules as amended from time to time, in terms whereof, as far as practicable, each ward shall have inter alia equal population.

List on 07.11.2025. Learned Deputy Advocate General to provide a list of Wards depicting the population of each and every ward after delimitation in Municipal Council, Sundernagar."

8. Pursuant thereto, learned Additional Advocate General has handed over instructions received from Sub Divisional Magistrate, Sundarnagar, dated 06.11.2025, which are ordered to be taken on record and quoted hereinbelow for ready reference:-

"From

Sub Divisional Magistrate,
Sunder Nagar, District Mandi HP

To Advocate General,
State of Himachal Pradesh, Shimia, H.P.

Dated: Sunder Nagar the 06 Nov, 2025

Sub: CWP No. 12051/2025-titled as Shiv Singh Sen Vs. State of H.P. and others.

Sir,

Kindly refer to your good office letter No.CWP-12051/2025-Nil dated 04 April, 2025 on the subject cited above. In this regard, the information was sought from the office of Municipal Council Sundernagar the information submitted is tabulated below:-

Sr. No.	Number of ward	Name and number of ward	Ward wise total population post delimitation
1.	Ward No.1	Bari Kulwara	1457
2.	Ward No.2	Baned	1845
3.	Ward No.3	Pungh	1656
4.	Ward No.4	Salah	2585
5.	Ward No.5	Bharoh	1723
6.	Ward No.6	Bahot	1553
7.	Ward No.7	Banaik	1315
8.	Ward No.8	Ambedkar Nagar	1660
9.	Ward No.9	Bhojpur	1583
10.	Ward No.10	Changer	1793
11.	Ward No.11	Purana Bazar	2031
12.	Ward No.12	West Colony	2402
13.	Ward No.13	East Colony	2741
Total			24344

This is for your kind information and necessary action please.

Sub-Divisional Magistrate,
Sundernagar, District Mandi, H.P.”

9. The basic contention of the petitioner is that the delimitation process is bad for the reason that, whereas, the population of other wards after delimitation is 1000 to 1400, the population of ward No.4 comes to around 2400, which defeats the provisions of Rule 4 of the Himachal Pradesh Municipal Council Election Rules, 2015.

10. The Government of Himachal Pradesh, Department of Urban Development, vide notification dated 02.09.2015, has

notified the Himachal Pradesh Municipal Election Rules, 2015 (hereinafter referred to as “the 2015 Rules”).

11. Chapter-II of the said Rules deals with delimitation and reservation of wards. Rule 4 thereof deals with limit of wards and the same provides as under:-

> *“In terms of this Rule, as far as practicable each ward shall have equal population, throughout the municipal area and each ward shall be geographically compact and contiguous in areas, and shall have recognizable boundaries, such as roads, paths, lanes, streets, stream, canals etc.”*

12. During the course of the arguments in this case, on a pointed query to the learned counsel for the petitioner, he candidly submitted that the petitioner is not alleging any *mala fides* as far as the process of delimitation of Municipal Council Sundernagar is concerned. Learned counsel further submitted that it is also not the case of the petitioner that the wards are not geographically compact, as is the requirement of Rule-4 of the 2015 Rules. However, he submitted that the wards are not having equal population, which is the mandate of Rule-4. Learned counsel further submitted that the petitioner in his objections had submitted proposed wards and had the respondents adhered to the same, then, equal population

would have been there as far as the wards are concerned, without disturbing the boundaries.

13. This Court is of the considered view that in the absence of there being any *mala fide*s alleged in the course of the delimitation of the wards, it is not the prerogative of this Court, nor the domain of this Court to advise the statutory authorities as to how the limits of the wards are to be fixed. Besides this, the contention of the petitioner that, whereas, other wards are having a population of 1000 to 1400 and ward No.4 has a population of 2400 after delimitation, is also not factually correct, because, a perusal of the instructions provided by the learned Additional Advocate General demonstrates that besides ward No.4, ward Nos. 11, 12 and 13 also have population in excess of 2000. To be precise, ward No.11, Purana Bazar has a population of 2031, ward No.12 West Colony has a population of 2402 and ward No.13 East Colony has a population of 2741. Not only this, ward No.2 Baned has a population of 1845 and ward No.5 and ward No.10 have population in excess of 1700. Therefore, the contention of the petitioner that it was only ward No.4 which

was having a population of more than 2400 and other wards were having population in between 1000 and 1400 is incorrect.

14. Obviously, the delimitation process has been undertaken by the Authorities taking into consideration various factors and this Court again reiterates that in the absence of there being any *mala fides* alleged against the concerned Authorities, there is no occasion for this Court to intervene therein.

15. Now, coming to the order passed by the Appellate Authority, a perusal thereof demonstrates that the learned Divisional Commissioner has dismissed the appeal filed by the petitioner by assigning the following reasons:-

> *"With respect to the concerns of the appellant regarding unequal distribution of funds and manpower are concerned, he has not placed any documentary evidences that the development or cleaning work of his ward is being affected due to large population in ward no. 4. Moreover, such issues fall within the realm of administrative discretion and resource allocation policy and is not a factor very relevant for the delimitation exercise.*
>
> *Further, the appellant has also not placed on record any substantial or cogent evidence indicating mala fides, arbitrariness or non-compliance with the Rules during the delimitation process. No public outcry or collective representation from the affected residents has been brought to notice and no residents of Ward No.4 (from which the appellant hails), has raised any objection or sought revision of*

the final delimitation. If delimitation is carried out solely on the basis of an individual's grievance, it would lead to unnecessary administrative complications including the requirement for large-scale changes in official documentation of local inhabitants of affected wards, such as Aadhaar Cards, Ration Cards, Voter IDs, etc. and unless and substantial and representative demand is raised by a significant section of the public, the plea for redrawing of ward boundaries solely because of individual dissatisfaction cannot be accepted, particularly when the larger public interest lies in maintaining stability and avoiding frequent administrative disruption such as updation of addresses in various official documents like Aadhar Card, Voter Id Card etc.

Moreover, the kind of reorganization being requested cannot be carried out by making changes in any one particular block or ward. If population has to be made equal in all the wards, most of the wards will have be touched and the interests of many other people will be affected who are not a party in the instant appeal and who do not have any objection with the present scheme. Also, all these wards have been formed by taking into account the natural boundaries like rivers, nallah, etc. and any large scale modification will make it impossible to maintain the same.

In the light of the above discussion, I am of the considered view that there is no merit in the appeal. The delimitation process appears to have been conducted after due notice, opportunity, and application of mind by the competent authority, and does not warrant any interference at this stage. As such, the appeal is hereby dismissed, being devoid of merit. The order dated 16.06.2025 passed by the Ld. Deputy Commissioner, Mandi, District Mandi, Himachal Pradesh is upheld and affirmed, Since the case was reserved for orders, parties be informed accordingly. A copy of this order be sent to the Court below while returning the record. File of this Court be consigned to the record room after due completion."

16. In the course of his submissions, learned counsel for the petitioner could not demonstrate that the reasoning assigned in the order by the Divisional Commissioner is either perverse or not borne out from the record of the case.

17. That being the case, this Court is of the considered view that in the exercise of its power of judicial review, the order passed by the Appellate Authority calls for no interference, because, neither the said order can be termed as perverse nor it can be said that the order has been passed by the Authority in a manner i.e., unwarranted from a quasi-judicial authority.

18. In the light of above observations, as this Court does not finds any merit in the petition, the same is dismissed. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

November 11, 2025
(Vinod)