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WP-1618-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 4th OF FEBRUARY, 2026WRIT PETITION No. 1618 of 2026*SMT. MANJU RAI AND ANOTHER**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Harshit Bari - Advocate for the petitioners.

Shri Prabhanshu Shukla - Government Advocate for the respondents/State.

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ORDER

Challenge in this petition under Article 226 of Constitution of India is made to the proposal dated 15/12/2025 passed by respondent No.5 as well as consequential notice dated 17/12/2025 issued by respondent No.4 in respect of proposed determination of wards of Municipal Corporation Damoh on the ground that the determination of wards have been undertaken without proper authority and in clear contravention of Rule 6(1) of the *M.P. Municipalities (Extent of Wards) Rules 1994* (hereinafter referred to as the '**Rules of 1994**').

2. It is the case of the petitioners that the State Government in exercise of powers under Section 29 of the Madhya Pradesh Municipalities Act, 1961 read with Rules of 1994 undertook the proposal for determination of wards in Municipal Corporation, Damoh. A review meeting was organized by the official letter No.2067 and 2050 dated 05/12/2025 by the concerned



administrative Authorities regarding proposal of determination of wards as per statistics survey based on the population of the year 2011. The proposal reduces earlier 39 wards of Damoh to 29 wards, merges and deletes certain existing wards and includes about 12 surrounding villages into the municipal limits without increasing the total number of wards resulting in disappearance or substantial alteration in several wards. In pursuance to the same, a notice dated 17/12/2025 was issued by respondent No.4. It is the case of the petitioners that Rule 6 of the Rules of 1994 mandates issuance of a notice by respondent No.3, yet the impugned notice has been issued by respondent No.4 who is lacking jurisdiction. For the same, the objections were invited from general public in respect of the proposed determination of wards. As notice issued is by the incompetent authority, who was not having any jurisdiction, the present petition is filed.

3. It is the case of the petitioners that as per Rule 8 of the Rules of 1994, every citizen has a statutory right to file objections. Petitioners being citizens duly exercised such right by submitting a representation raising objections to the proposed determination of wards. However, no action has been taken by the Authorities. Petitioner No.2 has submitted objections to respondent No.3 specifically pointing out that population of ward No.2 is grossly disproportionate and in violation of principles of population parity. Therefore, this petition is filed placing reliance upon an order passed by Co-ordinate Bench of this Court in the case of **Ashish Singh Bhadoriya Vs. State of M.P. and others** reported in 2015 (1) M.P.L.J. 222 : 2014 SCC OnLine MP 7150.



4 . This Court vide order dated 21/01/2026 had directed the State Counsel to seek instructions in the matter. In pursuance to which, instructions have been received by learned State counsel vide letter dated 03/02/2026, which is uploaded in the reference column of ERP. He is directed to place the same on record. It is his case that the entire action is being taken by respondent No.3 and it is only after the approval, notices have been issued by respondent No.4. Learned State counsel has placed reliance upon the judgment passed by the Hon'ble Supreme Court in the case of **State of Goa & Anr. Vs. Fouziya Imtiaz Shaikh & Anr.** decided on 12/03/2021 in **Civil Appeal No.881/2021** (arising out of SLP (Civil) No.3937 of 2021) as well as order dated 11/11/2025 passed by the High Court of Himachal Pradesh at Shimla in the case of **Shiv Singh Sen Vs. State of Himachal Pradesh and others** in **CWP No.12051 of 2025**. He has further drawn attention of this Court to Rule 6 of the Rules of 1994, which deals with Preparation of proposal to determine the extent of wards. The same reads as under:-

"6. Preparation of proposal to determine the extent of wards.- (1) The proposal to determine the extent of wards shall be prepared by the Deputy Collector as nominated by the Collector of the District in which the Municipality is situated and for this purpose, any information as called for by such nominated Deputy Collector from Chief Municipal Officer for which the Chief Municipal Officer shall be bound to make available such information within the specified time, otherwise such nominated Deputy Collector may prepare the proposal at the cost of Municipality concerned.

(2) The following information shall be regarding extent of wards included in the proposals as prepared by the Deputy Collector:-

- (i) four directions of the proposed wards;
- (ii) Map showing all the four dimensions of



every proposed ward in such a way that the boundaries of each ward may be visible separately;

(iii) Statement regarding population in which the total population of the Municipal area as per the figures published of the last census, total population of Scheduled Castes and of Scheduled Tribes, the total number of wards as determined by the State Government for concerning Municipal area and on that basis the average population of each ward;

(iv) The population of each of the proposed ward and the figures of population of Scheduled Castes and Scheduled Tribes therein."

5. Rule 7 of the Rules of 1994 deals with preliminary publication of determination of the extent of wards and Rule 8 of the Rules of 1994 deals with disposal of the objections/suggestions as received and final publication.

6. Petitioners' case is that notice under Rule 6 of the Rules of 1994 was required to be issued by the Deputy Collector, but in the present case, respondent No.4 i.e. Sub Divisional Officer has issued the same.

7. However, the instructions dated 03/02/2026 reflects that proper procedures were followed by the Authorities. Vide letter dated 03/12/2025, Tehsildar, Damyanti Nagar and CEO Janpad Panchayat Damoh were directed to collect relevant information with the help of Gram Panchayat Secretaries, Halka Patwari and R.I. In pursuance to which, information was collected and forwarded to the competent authority for issuance of a preliminary notification which was issued on 17/12/2025, on which the objections and suggestions were invited by issuance of a notice after approval from the Deputy Collector. Therefore, it is not a case where Sub Divisional Officer Damoh has issued notice in contravention to the provisions. It is only after the approval of Deputy Collector, the entire action



has been taken. The relevant documents pertaining to the same are annexed with the letter dated 03/02/2026. The objection submitted by the petitioners and others with respect to issuance of the preliminary notification has been considered in accordance with law.

8. The letter dated 29/01/2026 itself shows that in pursuance to the orders passed by the Collector on 15/11/2025 and 31/12/2025, the notice has been issued seeking objections as well as for issuance of preliminary notification and only thereafter the preliminary notification has been issued. Thus the grounds raised by the petitioners are of no help to them. The entire action has been done in accordance with the provision of Rules 6, 7 and 8 of the Rules of 1994.

9. Under these circumstances, there is no illegality committed by the Authorities while carrying out the procedure for determination of the wards. Therefore, no relief can be extended to the petitioners.

10. The petition *sans* merits and is, accordingly, **dismissed**. No order as to costs.

(VISHAL MISHRA)
JUDGE