



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Writ Petition No. 752/2026

1. Vikas Manch, Registered Political Party Through President Lalit Kishore Jhanwar S/o Shyam Lal Jhanwar, Bhura Chowk, Post Office And Tehsil Nokha, District- Bikaner (Raj.).
2. Sukharam Bhadu S/o Sugnaram Bhadu, Aged About 40 Years, Near Bhadu Samudayik Bhawan, Kankariya Chowk, Nokha, District Bikaner, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Secretary Local Self Department Government Of Rajasthan Secretariat, Jaipur, Rajasthan.
2. The District Collector, Bikaner, Rajasthan.
3. The Director Cum Special Secretary, Local Self Department, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
4. The Executive Officer, Municipal Board Nokha, District Bikaner, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Harshit Bhurani, with
Mr. Manish Patel

For Respondent(s) : Mr. Rajesh Panwar, Sr. Advocate &
AAG assisted by Mr. Ayush Gehlot

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SANDEEP SHAH**

Judgment

- | | |
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| 1. Date of conclusion of arguments | 05.02.2026 |
| 2. Date on which judgment was reserved | 05.02.2026 |
| 3. Whether the full judgment or only the operative part is pronounced: | Full Judgment |
| 4. Date of pronouncement | 06.03.2026 |

Reportable

Per Dr. Pushpendra Singh Bhati, J:

1. The petitioners have preferred the present writ petition claiming the following reliefs:



"It is, therefore, most respectfully prayed on behalf of the Petitioners that:-

a) by an appropriate writ, order or direction; the notification dated 01.09.2025 published in Gazette on 15.09.2025 (Annex.-6) may kindly be quashed and set aside.

b) by an appropriate writ, order or direction; the Respondents are directed to withdraw the notification dated 01.09.2025 in light of judgment passed by this Hon'ble High Court in the case of "Vikas Manch Vs. State of Rajasthan & Ors." bearing no. SBCWP No. 12732/2025.

c) by an appropriate writ, order or direction; issue an appropriate writ, order or direction in the nature of certiorari, thereby quashing the draft notification dated 27.03.2025 issued by the District Election Officer-cum-District Collector, Bikaner (Annex.-4), proposing the reconstitution of wards in the municipal area of Nokha, District Bikaner;

d) by an appropriate writ, order or direction; Declare the entire exercise of constitution/reconstitution of wards for the Municipal Board of Nokha undertaken pursuant to the Circular dated 13.02.2025(Annex.-3) and culminating in the impugned draft notification as unwarranted, ultra vires, arbitrary, and without jurisdiction, and consequently set aside the same in its entirety;

e) by an appropriate writ, order or direction; Direct the respondents not to proceed further with any steps pursuant to the impugned notification dated 01.09.2025 (Annex-6.) or take any further action for reconstitution of wards in the absence of a delimitation exercise in accordance with law.

f) by an appropriate writ, order or direction; until and unless the objections of the Petitioners have not been





decided, a final publication of Reorganization of Wards may not be issued.

g) Costs of the writ petition may kindly be awarded to the Petitioner."

2. The petitioner No.1 is a registered political party and petitioner No.2 is stated to be a social and political worker of Nokha, District Bikaner. The present writ petition concerns the reorganization and territorial structuring of wards of Municipal Board, Nokha, District Bikaner.

2.1. Municipal Board, Nokha was constituted in the year 1952 and presently consists of 45 wards. Earlier, the number of wards stood at 35 and, pursuant to a delimitation exercise undertaken in the year 2019–2020 on the basis of Census 2011 figures, the number of wards was increased to 45. Elections to the Municipal Board were thereafter conducted in the year 2021.

2.2. On 22.11.2024, a notification under Section 6 of the Rajasthan Municipalities Act, 2009 was issued. Subsequently, on 13.02.2025, the State Government issued guidelines prescribing norms for ward reorganization and delimitation. Thereafter, a communication dated 27.03.2025 was issued prescribing a schedule for inviting objections and undertaking ward reorganization in various municipalities, including Nokha. Objections were invited from the public pursuant to the draft proposal.

2.3. The petitioners earlier preferred S.B. Civil Writ Petition No.12732/2025 challenging the draft proceedings relating to ward





reorganization. The said writ petition was decided by this Court on 14.11.2025.

2.4. During the interregnum, a notification dated 01.09.2025, which was published in the Gazette on 15.09.2025, came to be issued in relation to the reconstitution/reorganization of wards of Municipal Board, Nokha. A representation dated 20.12.2025 was thereafter submitted by the petitioners to the competent authority.

2.5. Aggrieved by the notification dated 01.09.2025 and the preceding draft notification dated 27.03.2025, the petitioners have preferred the present writ petition under Article 226 of the Constitution of India.

3. Learned counsel appearing for the petitioners submitted that the impugned Notification dated 01.09.2025, whereby wards of Municipal Board, Nokha have been reorganized and reconstituted, is illegal, arbitrary, contrary to the Rajasthan Municipalities Act, 2009 and liable to be quashed, as the same has been issued in violation of the statutory scheme governing delimitation and reservation of municipal wards.

3.1. Learned counsel submitted that the objection raised by the respondents regarding the bar contained in Article 243ZG of the Constitution of India is misconceived. It was contended that the constitutional bar is not absolute and does not exclude judicial review where the challenge is directed against jurisdictional errors, mala fide exercise of power, or manifest arbitrariness in the delimitation process itself.





3.1.1. It was emphasized that the petitioners have approached this Hon'ble Court prior to the commencement of the election process and well before the issuance of any election notification. The present challenge is not to the conduct of elections, but to the legality of the foundational exercise of ward reorganization.

3.1.2. Learned counsel placed reliance upon the judgment of the Hon'ble Punjab & Haryana High Court in **Rajesh Kumar Sharma v. State of Punjab [Civil Writ Petition No. 7548 of 2023 (O &M) and other connected matters decided on 17.10.2023]**, wherein it has been held that Article 243ZG does not operate as a complete bar where the writ petition is filed prior to issuance of election notification and where the challenge pertains to arbitrary or jurisdictionally flawed executive action.

3.1.3. Further reliance was placed upon the judgment of the Hon'ble Supreme Court in **Union Territory of Ladakh v. Jammu and Kashmir National Conference (Civil Appeal No. 5707 of 2023 decided on 06.09.2026)**, wherein it was categorically held that constitutional courts are duty-bound to intervene where executive action disturbs the level playing field or is arbitrary, and that mere efflux of time cannot be permitted to defeat legal rights.

3.2. Learned counsel submitted that the exercise of ward reorganization must strictly conform to Sections 3, 6 and 10 of the Act of 2009. The statute mandates that delimitation be population-based, rational and guided by objective criteria.

3.2.1. It was contended that the impugned notification does not demonstrate adherence to uniform population norms across





wards. The absence of objective data reflecting parity of population renders the exercise arbitrary and contrary to the statutory framework.

3.2.2. It was further submitted that statutory discretion in delimitation is structured and not unbridled. Any departure from prescribed parameters amounts to jurisdictional error and vitiates the exercise.

3.3. Learned counsel contended that the impugned reorganization suffers from manifest arbitrariness and violates Article 14 of the Constitution of India.

3.3.1. It was submitted that similarly situated areas have been treated differently without intelligible differentia, and ward boundaries have been altered without transparent reasoning or demonstrable objective criteria.

3.3.2. It was emphasized that even in electoral matters, State action must withstand the test of non-arbitrariness. Arbitrary classification or manipulation of ward boundaries strikes at the root of equality and democratic fairness.

3.4. Learned counsel submitted that reservation of wards for Scheduled Castes, Scheduled Tribes, Backward Classes and Women must strictly follow the population ratio and rotation mechanism contemplated under Section 6(4) of the Act of 2009.

3.4.1. It was contended that the present exercise does not reflect proper population-based identification nor transparent rotation, thereby rendering the reservation matrix legally unsustainable.





3.5. Learned counsel distinguished the judgment in **Anugrah Narain Singh v. State of Uttar Pradesh** (*AIR ONLINE 1996 SC 1178*), submitting that in that case the writ petition was filed at a highly belated stage when the election process was substantially underway.

3.5.1. In contrast, in the present case, representations were submitted promptly and the writ petition has been instituted without delay. There is neither acquiescence nor laches attributable to the petitioners.

3.6. Learned counsel submitted that even if an election petition or statutory mechanism is available, the same does not bar exercise of writ jurisdiction where the challenge pertains to jurisdictional illegality and constitutional violations.

3.7. Lastly, it was submitted that the impugned notification amounts to a colourable exercise of statutory power, undertaken without transparent criteria and without disclosing objective data forming the basis of delimitation.

3.7.1. It was urged that such an exercise undermines democratic fairness and public confidence in municipal governance, and therefore warrants interference by this Hon'ble Court.

4. Learned Advocate General appearing for the respondents, assisted by learned counsel, at the outset raised a preliminary objection regarding maintainability of the present writ petition. It was submitted that the writ petition, which seeks to challenge the delimitation and territorial structuring of municipal wards, is





barred by the constitutional mandate contained in Article 243ZG of the Constitution of India.

4.1. Learned counsel submitted that Article 243ZG forms part of the constitutional framework governing municipal elections under Part IX-A of the Constitution and expressly prohibits judicial interference in matters relating to delimitation of constituencies or allotment of seats.

4.1.1. It was contended that the object of the said constitutional provision is to ensure that electoral processes are not obstructed by judicial intervention once the statutory mechanism of delimitation has been undertaken by the competent authority.

4.1.2. Learned counsel further submitted that the constitutional bar under Article 243ZG is analogous to the bar contained in Article 243-O governing Panchayati Raj elections and Article 329 governing parliamentary and legislative elections.

4.1.3. In support of the aforesaid submission, reliance was placed upon the judgment of this Hon'ble Court in Guddi v. State of Rajasthan, wherein the Division Bench held that once the delimitation exercise culminates in a final notification, the Court cannot cross the constitutional bar created under Article 243-O and undertake judicial scrutiny of the delimitation process.

4.1.4. Learned counsel submitted that the said judgment reiterates that the constitutional scheme draws a clear line restricting judicial interference in electoral matters and that challenges relating to delimitation cannot be entertained in





exercise of writ jurisdiction once the statutory process stands completed.

4.1.5. It was thus argued that since the present writ petition directly questions the territorial structuring of wards undertaken under statutory authority, the same falls squarely within the constitutional embargo contemplated under Article 243ZG and therefore deserves to be dismissed on the ground of maintainability alone.

4.2. Learned Advocate General further submitted that the impugned notification dated 01.09.2025 has been issued strictly in exercise of powers conferred under Section 10 of the Rajasthan Municipalities Act, 2009 and the said provision constitutes an independent statutory source of authority enabling the State Government to undertake territorial structuring of municipal wards.

4.2.1. Learned counsel submitted that the legislative object of Section 10 is not the constitution or composition of a municipality, but the internal territorial organization of constituencies within an already constituted municipal body. The provision operates in the field of territorial demarcation and spatial structuring of wards so as to ensure administrative convenience, equitable representation and effective governance.

4.2.2. It was contended that Section 10 empowers the competent authority to determine ward boundaries having regard to relevant administrative and demographic considerations. The statutory text of the provision does not make the exercise of such power





contingent upon the occurrence of any event contemplated under Section 3 of the Act nor does it condition the exercise of such power upon a fresh census under Section 6(2).

4.2.3. Learned counsel emphasized that the statute does not contain any express limitation requiring that ward boundaries remain frozen in the absence of a census revision. According to the respondents, the legislative intent is to preserve administrative flexibility so that territorial structuring of wards may respond to evolving governance requirements.

4.2.4. It was therefore argued that reading a census-based restriction into Section 10 would amount to importing conditions which the legislature has consciously not incorporated in the statutory text. Such an interpretation would run contrary to settled principles of statutory interpretation which mandate that Courts must interpret statutes as enacted and cannot supply omissions under the guise of judicial construction.

4.2.5. Learned counsel submitted that the impugned notification merely undertakes territorial structuring of wards within an already constituted municipal body and thus squarely falls within the statutory field occupied by Section 10 of the Act of 2009.

Learned Advocate General further submitted that the challenge laid by the petitioners proceeds on an erroneous conflation of Sections 6 and 10 of the Rajasthan Municipalities Act, 2009, though both provisions operate in separate and distinct statutory spheres.





4.3. Learned counsel submitted that Section 6 of the Act of 2009 governs the structural composition of a municipality, namely the determination of the number and strength of seats or wards forming the municipal body. The provision essentially deals with the quantitative determination of representation.

4.3.1. In contrast, Section 10 governs the internal territorial structuring and demarcation of those wards. The provision addresses the spatial configuration and territorial boundaries of wards within the already determined structural framework.

4.3.2. Learned counsel thus submitted that the legislative scheme consciously separates two distinct exercises, namely:

- structural determination of seats or wards under Section 6; and
- territorial demarcation and internal structuring of those wards under Section 10.

4.3.3. It was contended that there exists no statutory language creating any dependency, sequencing or conditional linkage between the two provisions. The exercise of power under Section 10 is not contingent upon redetermination under Section 6, nor does Section 6 impose any limitation upon the territorial structuring contemplated under Section 10.

4.3.4. Learned counsel submitted that established principles of statutory interpretation require that each provision in a statute must be allowed to operate in its own legislative field. The doctrine of harmonious construction mandates that both Sections





6 and 10 be read as complementary yet independent provisions serving distinct statutory purposes.

4.3.5. It was further contended that the petitioners' interpretation effectively introduces a restriction into Section 10 which does not exist in the statutory text, namely that territorial structuring of wards cannot be undertaken in the absence of a fresh census exercise.

4.3.6. In support of this proposition, reliance was placed upon the judgment of the Hon'ble Supreme Court in **Nathi Devi v. Radha Devi Gupta [(2025) 2 SCC 271]**, wherein it has been held that Courts cannot read into a statute words which are not there nor supply omissions under the guise of interpretation.

4.3.7. Learned counsel also relied upon the judgment of the Hon'ble Supreme Court in **Padma Sundara Rao v. State of Tamil Nadu [(2002) 2 SCC 533]**, reiterating the principle that casus omissus cannot be supplied by the Court and that statutory provisions must be interpreted strictly on the basis of their plain language.

4.3.8. It was therefore submitted that treating Section 10 as subordinate to or dependent upon Section 6 would collapse two independent statutory mechanisms and defeat the legislative design which preserves flexibility in municipal governance. Learned counsel thus urged that Sections 6 and 10 must be construed as co-existing but independent enabling provisions, each capable of operation within its respective statutory field.





4.4. Learned Advocate General further submitted that the petitioners have not challenged the foundational notification issued under Section 6 of the Rajasthan Municipalities Act, 2009 determining the structural composition of the municipality.

4.4.1. It was contended that the notification dated 22.11.2024 determining the number and constitution of wards was issued by the competent authority in exercise of powers under Section 6 of the Act of 2009. Learned counsel submitted that the said notification attained finality as the same was never assailed by the petitioners before any competent forum. It was argued that the present impugned notification dated 01.09.2025 merely relates to territorial structuring and demarcation of wards under Section 10 of the Act of 2009 and does not alter the structural composition already determined under Section 6.

4.4.2. Learned counsel thus submitted that having accepted the structural determination of wards under the notification dated 22.11.2024, the petitioners cannot now indirectly assail the same by challenging the subsequent exercise undertaken under Section 10. It was therefore contended that the present writ petition amounts to an indirect challenge to a concluded statutory exercise which has already attained finality and therefore does not warrant interference under Article 226 of the Constitution of India. Learned Advocate General further submitted that the reliance placed by the petitioners on the judgment in ***Sheela Kumari vs. State (D.B. Civil Writ Petition No. 7718/2025 and orther connected***





matters decided on 14.11.2025) is misplaced and proceeds on an overbroad reading of the said decision.

4.5. Learned counsel submitted that a careful reading of the judgment demonstrates that the Court in **Sheela Kumari(supra)** primarily examined the statutory scheme of Sections 3 and 6(2) of the Rajasthan Municipalities Act, 2009 in the context of census-based redetermination of wards. It was contended that the interpretative exercise undertaken in the said judgment did not extend to, nor did it adjudicate upon, the scope and independent operation of Section 10 of the Act of 2009 relating to territorial determination and internal structuring of wards.

4.5.1. Learned counsel emphasized that the absence of any discussion regarding Section 10 in the said judgment is significant, as the central issue arising in the present case — namely whether territorial structuring of wards can be undertaken independently under Section 10 — neither arose for consideration nor was decided therein. It was therefore submitted that the ratio of the judgment in **Sheela Kumari(supra)** cannot be extended to curtail the statutory powers conferred under a provision which was neither interpreted nor examined in that case.

4.5.2. Learned counsel further submitted that it is a settled principle that a judicial decision is an authority only for the proposition which it actually decides and not for what may logically be inferred therefrom.

4.5.3. Learned counsel therefore submitted that extending the reasoning of **Sheela Kumari(supra)** so as to read an implied





embargo into Section 10 would amount to judicial supplementation of the statute, which is impermissible in law. It was thus argued that the present controversy requires an independent interpretation of Section 10 of the Act of 2009, unencumbered by assumptions drawn beyond the scope of the decision relied upon by the petitioners.

5. Heard learned counsel for the parties at length and carefully perused the pleadings on record as well as the material placed before the Court.

6. This Court observes that the first and foremost issue which arises for consideration is the maintainability of the present writ petition in light of the constitutional bar contained in Article 243ZG of the Constitution of India.

6.1. Article 243ZG forms part of the constitutional scheme governing municipal institutions under Part IX-A of the Constitution and expressly provides that the validity of any law relating to the delimitation of constituencies or allotment of seats made under Article 243ZA shall not be called in question before any Court.

6.2. This Court observes that the object underlying the said constitutional provision is to ensure that electoral processes relating to local self-government institutions are insulated from judicial interruption and are allowed to proceed without impediment once the statutory framework governing delimitation and allocation of seats has been set in motion.





6.3. This Court further observes that the constitutional embargo contained in Article 243ZG is analogous to the bar contained in Article 243-O governing Panchayati Raj elections and Article 329 governing elections to Parliament and State Legislatures. The consistent constitutional philosophy underlying these provisions is that challenges relating to delimitation or electoral arrangements should not derail the electoral process through intervention in writ jurisdiction.

6.4. This Court also observes that the Division Bench of this Court in **Guddi v. State of Rajasthan & Ors. (D.B. Civil Writ Petition No. 2002/2020)** has reiterated that once the delimitation exercise culminates in a final notification, the Court cannot cross the constitutional line drawn by Article 243-O and undertake scrutiny of the delimitation process in exercise of its writ jurisdiction.

6.5. This Court finds that the impugned notification dated 01.09.2025 relates to the reorganization and territorial structuring of wards of Municipal Board, Nokha, which squarely falls within the domain of delimitation and allocation of territorial constituencies.

6.6. This Court therefore observes that entertaining a challenge to such exercise would run contrary to the constitutional mandate contained in Article 243ZG, which seeks to preserve the sanctity and continuity of electoral processes relating to municipal institutions.

6.7. However, this Court also observes that the petitioners have attempted to bring the present challenge within the limited





permissible sphere of judicial review by contending that the impugned action suffers from jurisdictional illegality and statutory non-compliance. In view of the said contention, this Court considers it appropriate to briefly examine the statutory scheme governing the exercise of power under the Rajasthan Municipalities Act, 2009.

7. This Court observes that the next issue which arises for consideration is the nature and scope of the power conferred upon the State Government under Section 10 of the Rajasthan Municipalities Act, 2009 and whether the impugned notification dated 01.09.2025 falls within the statutory framework contemplated therein.

7.1. Section 10 of the Act of 2009 empowers the competent authority to undertake determination and territorial structuring of municipal wards. The provision operates in the field of internal territorial demarcation of constituencies within an already constituted municipal body so as to ensure effective governance, administrative convenience and equitable representation.

7.2. This Court observes that the legislative object underlying Section 10 is not the constitution of a municipality or determination of its structural composition, but the spatial organization and territorial configuration of wards forming part of such municipal body.

7.3. The statutory text of Section 10 does not indicate that the exercise of such power is contingent upon the occurrence of any event contemplated under Section 3 of the Act of 2009, nor does





it prescribe that the said exercise must necessarily await a fresh census as contemplated under Section 6(2).

7.4. This Court finds that the provision does not contain any express limitation requiring that ward boundaries remain frozen until a census revision takes place. The legislative design appears to preserve administrative flexibility so that territorial structuring of wards may respond to practical governance requirements and demographic realities.

7.5. This Court observes that accepting the interpretation advanced by the petitioners would amount to reading into Section 10 a restriction which the legislature has consciously not incorporated. Such an interpretation would run contrary to settled principles of statutory construction.

7.6. It is a well settled principle that Courts must interpret statutory provisions as they stand and cannot introduce words or limitations which the legislature has not chosen to include. In this regard, the Hon'ble Supreme Court in **Nathi Devi (Supra)** and **Padma Sundara Rao v. State of Tamil Nadu (Supra)** has reiterated that Courts cannot supply omissions in a statute under the guise of interpretation.

7.7. This Court therefore observes that Section 10 represents an independent enabling provision empowering the State Government to undertake territorial structuring of municipal wards whenever administrative or electoral considerations so require, provided the exercise is undertaken within the statutory framework.





8. This Court further observes that the principal argument advanced on behalf of the petitioners proceeds on the premise that the exercise undertaken under Section 10 of the Rajasthan Municipalities Act, 2009 is impermissible in the absence of a fresh census exercise contemplated under Section 6. This Court finds that such submission proceeds on an erroneous conflation of two distinct statutory provisions which operate in separate legislative domains.

8.1. Section 6 of the Act of 2009 governs the structural composition of a municipality, namely the determination of the number and strength of wards forming part of the municipal body. The provision essentially addresses the quantitative determination of representation.

8.2. Section 10, on the other hand, deals with the territorial structuring and demarcation of those wards. The provision operates in the field of spatial configuration of wards within the structural framework already determined.

8.3. This Court observes that the statutory scheme thus contemplates two distinct exercises: firstly, determination of the number and composition of wards under Section 6; and secondly, territorial demarcation and internal structuring of those wards under Section 10.

8.4. This Court finds that there exists no statutory language creating any dependency or sequencing between the two provisions. The exercise of power under Section 10 is not conditioned upon redetermination under Section 6, nor does





Section 6 impose any restriction upon the territorial structuring contemplated under Section 10.

8.5. This Court observes that the principle of harmonious construction requires that each statutory provision be allowed to operate within its designated legislative field. Interpreting Section 10 as being subordinate to or dependent upon Section 6 would effectively collapse two independent statutory mechanisms and defeat the legislative design underlying the Act of 2009.

8.6. This Court therefore finds that the submission advanced by the petitioners seeking to read a census-based restriction into Section 10 cannot be accepted, as the same would amount to importing limitations which the legislature has not incorporated in the statutory text.

9. This Court further observes that the structural composition of wards of Municipal Board, Nokha had already been determined by the competent authority through notification dated 22.11.2024 issued under Section 6 of the Rajasthan Municipalities Act, 2009.

9.1. This Court notes that the said notification determining the number and structural composition of wards was never challenged by the petitioners before any competent forum and has thus attained finality.

9.2. This Court observes that the impugned notification dated 01.09.2025 has been issued thereafter in exercise of powers under Section 10 of the Act of 2009 and relates only to the territorial structuring and demarcation of wards within the already determined structural framework.





9.3. This Court finds that the present challenge, in substance, attempts to indirectly question the statutory exercise undertaken under Section 6, which has already attained finality.

9.4. It is well settled that a concluded statutory exercise cannot be indirectly assailed by challenging a subsequent action which merely operates within the framework already determined by such earlier exercise.

9.5. This Court therefore observes that having not challenged the foundational notification dated 22.11.2024 issued under Section 6 of the Act of 2009, the petitioners cannot now seek to invalidate the subsequent territorial structuring undertaken under Section 10.

10. This Court further observes that considerable reliance has been placed by the petitioners on the judgment in **Sheela Kumari (Supra)** in support of the contention that the exercise of ward determination cannot be undertaken in the absence of a fresh census exercise.

10.1. This Court finds that a careful reading of the said judgment reveals that the interpretative exercise undertaken therein was primarily confined to the statutory scheme of Sections 3 and 6(2) of the Rajasthan Municipalities Act, 2009 in the context of census-linked redetermination of wards.

10.2. This Court observes that the scope and independent operation of Section 10 of the Act of 2009 relating to territorial determination and internal structuring of wards did not arise for consideration in the said judgment.





10.3. The absence of any discussion regarding Section 10 in the said decision assumes significance, as the central issue arising in the present case concerns the independent statutory power of territorial structuring of wards under Section 10.

10.4. It is a settled principle of law that a judicial decision is an authority only for the proposition which it actually decides and not for what may logically be inferred therefrom. The ratio of a judgment cannot be extended to situations which were neither argued nor adjudicated.

10.5. In this regard, the Hon'ble Supreme Court in **Padma Sundara Rao (Supra)** has reiterated that Courts cannot expand the ratio of a decision to supply omissions in the statutory framework.

10.6. This Court therefore finds that the reliance placed by the petitioners on **Sheela Kumari(Supra)** is misplaced and the said judgment cannot be construed as laying down any binding proposition that territorial structuring of wards under Section 10 is impermissible in the absence of a fresh census exercise.

10.6.1. In light of the aforesaid discussion, this Court observes that the impugned notification dated 01.09.2025 has been issued in exercise of powers conferred under Section 10 of the Rajasthan Municipalities Act, 2009 relating to territorial structuring of wards within an already constituted municipal body.

11. This Court further finds that the structural composition of wards had already been determined by the earlier notification





dated 22.11.2024 issued under Section 6 of the Act of 2009, which was never challenged and has thus attained finality.

11.1. This Court also observes that the petitioners have failed to demonstrate any jurisdictional illegality, statutory violation or constitutional infirmity in the exercise undertaken by the competent authority.

11.2. This Court therefore finds no ground warranting interference in exercise of its jurisdiction under Article 226 of the Constitution of India, particularly in view of the constitutional restraint embodied in Article 243ZG governing electoral matters.

11.3. Consequently, the present writ petition deserves no interference by this Court and is liable to be dismissed. Accordingly, the instant writ petition stands **dismissed**. All pending applications, if any, stand disposed of.

(SANDEEP SHAH),J

(DR.PUSHPENDRA SINGH BHATI),J

SKant/-