

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

**D.B. Writ Miscellaneous Application No. 182/2026**

Sanyam Lodha S/o Late Shri Prakash Raj Lodha, Aged About 59 Years, Resident Of Nagar Sethon Ki Haveli, Sheoganj, Sirohi, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretariat, Government Of Rajasthan, Secretariat, Jaipur.
2. The Secretary, Local Self Government Department, Government Of Rajasthan, Secretariat, Jaipur.
3. The Director and Special Secretary, Local Self Government Department, Government Of Rajasthan, Secretariat, Jaipur.
4. State Election Commission, Rajasthan Through Its Secretary, Development Block, Secretariat, Jaipur.
5. The State Election Commissioner, Rajasthan, Development Block, Secretariat, Jaipur.

----Respondents

**D.B. Writ Miscellaneous Application No. 170/2026**

1. Giriraj Singh Devanda S/o Shri Sahaja Ram, Aged About 52 Years, R/o Village Nangal Kalan, Sub Tehsil Govindgarh, Tehsil Chomu, District Jaipur, Rajasthan.
2. Nand Kishore Yadav S/o Shri Prabhati Lal Yadav, Aged About 70 Years, R/o Mangrawali Dhani, Village Dhodhsar, Govindgarh, Tehsil Chomu, Jaipur, Rajasthan.
3. Laxmi Chand Choudhary S/o Shri Moti Ram Choudahry, Aged About 53 Years, R/o Village Bhutera, Tehsil Chomu, District Jaipur, Rajasthan.
4. Suresh Kumar Bajiya S/o Shri Surajmal Bajiya, Aged About 48 Years, R/o Dhani -Dediwali, Singod Kalan, Via-Khejroli, Tehsil Chomu, District Jaipur Rajasthan
5. Jagdish Prasad Yadav S/o Shri Surajmal A/s Mangla Ram Yadav, Aged About 48 Years, R/o 172-Ka, Haninwal Tejaji Ke Pass, Village Govindgarh, Tehsil Chomu, District Jaipur, Rajasthan,

6. Ramdev Choudhary S/o Shri Gidaram, Aged About 46 Years, R/o Badhawali, Village Dhodhsar, Tehsil Chomu, District Jaipur, Rajasthan.
7. Ram Kumar S/o Shri Ganga Ram, Aged About 35 Years, R/o 96 Mukhya Abadi, Nangal Kalan, Tehsil Chomu, District Jaipur. Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through Secretary Cum Commissioner, Rural Development And Panchayat Raj Department, Government Secretariat, Jaipur, Rajasthan.
2. The District Collector, Jaipur, Collectorate Circle, Banipark, Jaipur, Rajasthan.
3. The Sub Divisional Magistrate Cum Returning Officer, Tehsil Chomu, District Jaipur, Rajasthan.
4. The Chief Election Commissioner, State Of Rajasthan, Ii Floor Lokayukt Bhawan, Vaniki Marg, C Scheme, Jaipur, Rajasthan.

-----Respondents

**D.B. Writ Miscellaneous Application No. 171/2026**

Sanyam Lodha S/o Late Shri Prakash Raj Lodha, Aged About 59 Years, Resident Of Nagar Setho Ki Haveli, Sheoganj, Sirohi, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Secretariat, Jaipur.
2. The Secretary, Local Self Government Department, Government Of Rajasthan, Secretariat, Jaipur.
3. The Director and Special Secretary, Local Self Government Department, Government Of Rajasthan, Secretariat, Jaipur.
4. State Election Commission, Rajasthan Through Its Secretary, Development Block, Secretariat, Jaipur.
5. The State Election Commissioner, Rajasthan, Development Block, Secretariat, Jaipur.

-----Respondents

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For Applicant (s) : Mr. Rajendra Prasad, AG and Sr. Adv. with Mr. Sheetanshu Sharma and Mr. Anirudh Singh (In Writ Misc. Appl. No.170/2026 and 171/2026)  
Mr. Amit Kuri with Mr. Dharma Ram (In Writ Misc. Appl. No.182/2026)

For Non-Applicant(s) : Mr. Punit Singhvi (In Writ Misc. Appl. No.182/2026 and 171/2026)  
Mr. Prem Chand Dewanda with Mr. Abhishek Singh Dewanda and Mr. Shaurya Kaviya (In Writ Misc. Appl. No.170/2026)

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**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA**

**HON'BLE MR. JUSTICE SANJEET PUROHIT**

**Order**

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|-----------|---|-----------|-------------------|
| <b>1.</b> | <b>Date of Conclusion of arguments</b>                                    | <b>::</b> | <b>11.05.2026</b> |
| <b>2.</b> | <b>Date on which judgment was reserved</b>                                | <b>::</b> | <b>11.05.2026</b> |
| <b>3.</b> | <b>Whether the full judgment or only the operative part is pronounced</b> | <b>::</b> | <b>Full</b>       |
| <b>4.</b> | <b>Date of pronouncement</b>  | <b>::</b> | <b>22.05.2026</b> |

**Per : Mr. Sanjeet Purohit, J.**

1. D.B. Misc. Application No. 182/2026 by the State Election Commission, Rajasthan; D.B. Misc. Application No. 170/2026 by the Panchayati Raj Department, Government of Rajasthan; and D.B. Misc. Application No. 171/2026 by Local Self Government Department, Government of Rajasthan, have been filed with common prayer, seeking extension of suitable time for holding and completing the elections of Rural and Urban Local Bodies in the State of Rajasthan.

2. In essence, it is contended that in spite of making all possible efforts, owing to unavoidable circumstances, due compliance of directions contained in para 224.7 of the judgment dated 14.11.2025 passed by this Court in a batch of writ petitions

led by D.B. Civil Writ Petition No. 7718/2025, Sheela Kumari vs. State of Rajasthan & Ors. for conducting and completing the elections of the Rural Local Bodies (RLBs) as well as the Urban Local Bodies (ULBs) within the prescribed time period, could not be made and thus, respective respondent Departments and the State Election Commission, Rajasthan have prayed for extension of the time period.

3. Arguing on behalf of State of Rajasthan, learned Advocate General - Mr. Rajendra Prasad, contended that while deciding a batch of writ petitions challenging delimitation exercise undertaken by the State of Rajasthan in relation to various Gram Panchayats as well as Municipal Bodies, along with writ petitions seeking directions for conduct of elections of RLBs and ULBs, this Court, vide judgment dated 14.11.2025, directed the State authorities to complete the exercise of delimitation on or before 31.12.2025 and thereafter to conduct and complete elections of all local self-government bodies, i.e. Panchayats as well as Municipalities, simultaneously, on or before 15.04.2026.

Extension of the time limit as prescribed in para 224.7 of the judgment dated 14.11.2025 has been sought while narrating various subsequent facts, explained in applications i.e. Writ Misc. Application Nos. 170/2026 and 171/2026, which are briefly stated as under :

3.1 It is contended that, in pursuance of directions issued by this Court vide judgment dated 14.11.2025, delimitation notifications in relation to various Panchayats were issued on 19.11.2025, 20.11.2025 and 21.11.2025. Pursuant to said notifications, several representations/objections were received and after

considering and deciding the same, the entire exercise of delimitation of the Panchayati Raj Institutions was completed by issuance of final notifications dated 28.12.2025 and 31.12.2025.

3.2 After completion of said process of delimitation, directions were issued on 25.01.2026 for publication of wards. Simultaneously, the State Election Commission issued orders on 31.12.2025 for preparation of the voter lists of the Panchayati Raj Institutions and the final voter lists were published on 25.02.2026.

3.3 Learned Advocate General however contended that the process of delimitation of the ULBs was affected due to adjudication made in Part – C and directions contained in para 224.3 of the judgment dated 14.11.2025.

3.4 It is stated that out of total 309 ULBs, delimitation of internal wards was done / changed in relation to 113 ULBs, out of which delimitation notifications in respect of 03 ULBs were challenged and delimitation notifications pertaining to said 03 Municipal Bodies were quashed and set aside vide judgment dated 14.11.2025. However, with regard to remaining 110 ULBs, since, no specific order quashing the notifications was passed, the State Authorities sought opinion regarding implementation of judgment dated 14.11.2025 qua those 110 ULBs.

In that background, judgment dated 14.11.2025 was challenged by State of Rajasthan by way of filing a Special Leave Petition before Hon'ble the Supreme Court to the extent of adjudication made in Part - C of judgment dated 14.11.2025 and consequential directions contained in para 224.3 thereof.

In the meantime, Division Bench of this Court, while deciding ***D.B. Civil Writ Petition No. 752/2026, Vikas Manch vs.***

**State of Rajasthan & Ors.**, vide order dated 06.03.2026, upheld said delimitation notifications, while considering the matter in the light of Section 10 of the Rajasthan Municipalities Act.

3.5 It is stated that in view of said judgment dated 06.03.2026, a communication dated 19.03.2026 was issued, directing compliance of mandate of judgment dated 14.11.2025 in relation to only 03 Municipal Bodies, which were subject matter of said batch of writ petitions. Whereas, it has been decided and directed to follow the mandate of judgment dated 06.03.2026 passed in **Vikas Manch** (supra) in relation to the remaining 110 ULBs.

It is contended that, said issue was resolved only after passing of judgment dated 06.03.2026 in the case of **Vikas Manch** (supra) and thereafter, process for revision/declaration of wards as well as publication of electoral rolls was initiated and in relation thereto, a communication dated 24.03.2026 was issued by the State Election Commission, Rajasthan.

3.6 Learned Advocate General stated that, in the meantime, various writ petitions were filed challenging the final delimitation notifications in relation to RLBs and same were either decided or stay applications were rejected. However, in some pending cases, proposed elections are made subject to final outcome of said petitions.

3.7 It is thus contended that though process for delimitation exercise, determination of wards as well as declaration of electoral rolls in relation to RLBs are already completed; however, in view of the reasons mentioned above, such process could not be completed in relation to ULBs. It is submitted that State

authorities are now committed to complete the same without any further delay.

3.8 Learned Advocate General further submitted that another significant aspect, which is yet to be completed and is causing delay in finalisation of the process for conduct of elections is the non-completion of process of determination of reservation for Other Backward Classes (OBC) category.

It is stated that as per Articles 243-D and 243-T of the Constitution of India, State is under a constitutional obligation to provide reservation for the Scheduled Castes, Scheduled Tribes and Other Backward Classes categories, for which corresponding statutory provisions also exist in the Rajasthan Panchayati Raj Act, 1994 as well as in the Rajasthan Municipalities Act, 2009.

3.9 Learned Advocate General stated that Hon'ble the Supreme Court in the case of **Vikas Kishanrao Gawali vs. State of Maharashtra & Ors., reported in (2021) 6 SCC 73**, has laid down a triple test to be mandatorily complied with before providing OBC reservation in local bodies. In the said judgment, Hon'ble the Supreme Court, directed for setting up of a dedicated Commission to conduct a contemporaneous empirical inquiry, for applying said triple test qua all local bodies within the State.

3.10 It is informed that in compliance of directions contained in **Vikas Kishanrao Gawali** (supra), State of Rajasthan, vide order dated 09.05.2025, has constituted a Commission and granted three months time to complete the exercise required for applying triple test as prescribed by the Hon'ble Apex Court.

It is stated that, for various reasons including the fact that data provided by various authorities, including concerned

departments, to the said Commission was found to be erroneous, the Commission sought extension of time for completing said empirical inquiry and while being satisfied with the reasons/justification seeking extension, the State Government acceded to said request and vide order dated 21.08.2025 (Annexure A-19) extended the time upto 31.12.2025. Thereafter, vide order dated 08.01.2026 (Annexure A-21) time was extended up to 31.03.2026 and vide order dated 31.03.2026 (Annexure A-26) further extension was granted up to 30.09.2026.

3.11 It is stated at the Bar by learned Advocate General that various communications have been exchanged between State authorities, OBC Commission and Planning Department for resolving the roadblocks coming in the way and to ensure that said study is completed at the earliest in time-bound manner.

3.12 While explaining all said facts, learned Advocate General informed that elections of 397 ULBs as well as a large number of RLBs would require approximately 1.25 lakh and 2.50 lakh personnel respectively, which would include staff from the Education as well as Police Departments.

Learned Advocate General stated that, looking to the extreme heat conditions prevailing at present and upcoming rainy season during the months of July to September, it would be difficult for the State Government to conduct the elections during said period.

It is further stated that since the time period for the OBC Commission has been extended up to 30.09.2026, it would be in the fitness of things to extend the time limit for conducting and

completing the elections of RLBs and ULBs only after final determination of aspect of OBC reservation.

It is also stated that after receipt of report of OBC Commission, the State Election Commission would require at least three months to notify, conduct and complete the elections of RLBs and ULBs, though simultaneously, but in a phased manner.

3.13 Learned Advocate General stated that in view of the reasons stated above, delay caused in complying with the directions contained in para 224.7 of judgment dated 14.11.2025 is bona fide, beyond the control of the State authorities and unavoidable; however, there had been consistent efforts on the part of respondent State to complete the same and all necessary steps in this regard have been duly taken.

With these submissions, learned Advocate General requested for extension of suitable time for conducting and completing the elections of Local Bodies.

4. While arguing on behalf of State Election Commission, learned counsel Mr. Punit Singhvi stated that, as a matter of fact, there has been no delay on the part of State Election Commission in complying with directions contained in judgment dated 14.11.2025.

4.1 It is contended that duty of the State Election Commission is to publish voter lists, declare election programme and impose Model Code of Conduct; however, prior to the same, it is responsibility of the State to complete the process of delimitation of wards and to ensure compliance of statutory provisions relating to reservation of seats.

4.2 It is stated that since process of delimitation and exercise of reservation of seats have not been finalised by respective departments of the State of Rajasthan, it was not possible for the Election Commission to initiate and complete election process within time frame as directed by this Hon'ble Court in its judgment dated 14.11.2025.

4.3 It is contended that all the necessary steps which the State Election Commission was required to take independently have already been taken. Immediately upon completion of delimitation exercise of Panchayats, process for issuance of electoral rolls was completed by 25.02.2026. State Election Commission has also entered into an MoU with the Election Commission of Madhya Pradesh for procuring EVMs on a loan basis.

4.4 It is further contended that after receipt of EVMs from the Election Commission of India, process of FLC as well as directions with regard to indelible ink and other relevant material necessary for conducting elections, have already been completed by State Election Commission.

4.5 Counsel appearing for State Election Commission further stated that various communications and reminders have also been sent by State Election Commission for timely completion of the exercise to be conducted by respective departments of the State of Rajasthan, however, outcome is yet awaited.

It is stated that although process for revision of voter list regarding 196 ULBs (which were not affected by the delimitation process) has already been completed and after resolving all issues with regard to other 113 ULBs, programme for revision of voter

list of the State Local Bodies was issued on 24.03.2026, which is underway.

4.6 With regard to exercise of OBC reservation which is stated to be pending at the end of OBC Commission, it is contended that although constitution of said Commission is as per directions of Hon'ble Supreme Court passed in **Vikas Kishanrao Gawali** (*supra*), however, after passing of said judgment on 04.03.2021, further directions were issued and reported in (2022) 12 SCC 795, whereby the Hon'ble Supreme Court has clarified that elections to local bodies are to be completed as per the directions contained in earlier order even without providing reservations for OBC and while notifying seats to be General seats.

4.7 Reliance is also placed on the order passed by Hon'ble Supreme Court in the case of **Rahul Ramesh Wagh vs The State of Maharashtra & Ors. :: reported in (2022) 12 SCC 798**, relevant paragraphs of which are reproduced as under:

*"9. Insofar as providing reservation for Scheduled Castes and Scheduled Tribes, the mandate of the Constitution and statutory provision must be followed; and insofar as Other Backward Classes, compliance of triple test as predicated by this Court in Vikas Kishanrao Gawali v. State of Maharashtra must be adhered to. Absent such compliance, no reservation can be provided in the local bodies for that category which may go for elections with immediate effect in terms of this order.*

*10. As requested by the learned counsel for the State, we place on record that all steps taken by the State Election Commission and we may add even the State Government, on the basis of the directions given in*

*terms of this order will be subject to the outcome of these proceedings. We make it clear that until the delimitation is done by the State Government in terms of Amendment Act(s) of 2022, the State Election Commission shall give effect to this order also in respect of upcoming elections in respect of local bodies which would become due by efflux of time.”*

5. On the other hand, counsel appearing for the petitioners has seriously objected to the contentions raised on behalf of the State of Rajasthan and stated that the reasons mentioned in the applications are not justified and sufficient to extend the time limit provided in the judgment dated 14.11.2025. It is stated that the elections of ULBs as well as RLBs are due since January 2025 and that this Court, while adopting a considerate approach, has already extended the time period up to 15.04.2026, which ought not to be extended any further.

5.1. It is reiterated that in view of the directions contained in the judgment passed by the Hon'ble Supreme Court in **Rahul Ramesh Wagh** (supra), in the absence of the report from OBC Commission, no reservation can be provided in the local bodies for that category and the same shall be conducted while treating the seats as General.

5.2. Learned counsel for petitioners further submitted that reason for extension based on prevailing weather conditions as put forth by the State authorities, is wholly untenable and cannot be accepted as a valid ground. It is stated that the constitutional provision for holding elections to local bodies immediately upon completion of their tenure is mandatory in nature and admits no

unnecessary delay or deferment on any flimsy ground. The said mandate, it is argued, cannot be diluted or postponed on the basis of seasonal or climatic conditions, which are recurring and have been prevailing in the State of Rajasthan since time immemorial.

5.3. It is further submitted that such grounds are extraneous to the constitutional requirement and cannot override the obligation of the State to ensure timely conduct of elections in accordance with law.

5.4 Learned counsel for the petitioners seriously objected to the contentions advanced by the learned Advocate General regarding the subsisting tenure of the Panchayat Samities and Zila Parishads and submitted that elections to the Panchayat Samities and Zila Parishads are independent in nature and consequential to the elections of the Gram Panchayats, which are invariably conducted after completion of the elections to the Gram Panchayats. Therefore, it is contended that elections of Rural Local Bodies, i.e., the Gram Panchayats, cannot be deferred merely on account of the tenure of the Panchayat Samities and Zila Parishads.

5.5 Learned counsel for the petitioners submitted that the present applications have been filed only with a view to avoid timely compliance of the directions contained in the judgment dated 14.11.2025 on extraneous consideration. Such conduct is contemptuous in nature, and therefore, applications deserve to be dismissed with costs.

6. Heard learned counsel for the parties and perused the material available on record.

7. This Court is aware about constitutional mandate contained in Article 243 – E (3) as well as 243 – U (3), which requires for

completion of election of RLB / ULB before expiry of its tenure. However, while considering the peculiar facts of recent past of State of Rajasthan as well as genuine difficulties faced by State authorities in delimitation exercise and in consideration of judgment passed by Hon'ble Apex Court for extending the time limit for conduct of elections in exceptional cases, vide its judgment dated 14.11.2025 had granted sufficient time to the State authorities for completion of delimitation process and for conduct of elections to the RLBs and ULBs. But the election programme for the said elections has still not been issued despite lapse of more than one month from the timeline fixed in the judgment dated 14.11.2025.

7.1 Before addressing to the submissions of the learned Advocate General, it would be apposite to notice certain judgments passed by the Supreme Court as placed before us. In **Vikas Kishanrao Gawali** (*supra*), the Supreme Court observed as under:

*"9. Besides this inviolable quantitative limitation, the State Authorities are obliged to fulfil other preconditions before reserving seats for OBCs in the local bodies. The foremost requirement is to collate adequate materials or documents that could help in identification of Backward Classes for the purpose of reservation by conducting a contemporaneous rigorous empirical inquiry into the nature and implications of backwardness in the local bodies concerned through an independent dedicated Commission established for that purpose. Thus, the State legislations cannot simply provide uniform and rigid quantum of reservation of seats for OBCs in the*

*local bodies across the State that too without a proper enquiry into the nature and implications of backwardness by an independent Commission about the imperativeness of such reservation. Further, it cannot be a static arrangement. It must be reviewed from time to time so as not to violate the principle of overbreadth of such reservation (which in itself is a relative concept and is dynamic). Besides, it must be confined only to the extent it is proportionate and within the quantitative limitation as is predicated by the Constitution Bench of this Court.”*

In ***Suresh Mahajan vs The State of Madhya Pradesh & Anr. (Writ Petition(s) (Civil) No(s). 278/2022)***, the Supreme Court while considering the similar issue of elections held as under:

*“The State Election Commission shall ensure that the election programme is issued in respect of local bodies where elections are overdue without any loss of time keeping in mind the feasibility of conducting elections owing to impending monsoon and as observed in the case (SLP (C) No. 19756 of 2021) of State of Maharashtra yesterday i.e., 17.05.2022.*

*Despite issuing such election programme, it would be open to the Madhya Pradesh State Election Commission to modulate the schedule if and when occasion arises.*

*We also permit the State of Madhya Pradesh to notify the reservation pattern local body wise as delineated in the Reports of the dedicated Commission, to be adhered to by the State Election Commission. That be done within one week from today. The State Election Commission shall issue election programme in respect of concerned local bodies thereafter within one week. The directions given in order dated 10.05.2022 stand modified to the above extent. We reiterate that steps*

*taken by all concerned will be subject to the outcome of this petition as already noted in the earlier order.*

*This application is disposed of accordingly.”*

However, subsequently because the OBC Commission's report was received, the date was further extended.

7.2 In matters relating to the Elections of Panchayats, in other States, we find that on account of the aforesaid orders passed by the Supreme Court the OBC Commission has been seeking time for completing the task assigned to them. The State of Rajasthan too had appointed the OBC Commission which was constituted on 09.05.2025, almost one year has expired but the Commission has not been able to submit its report. On account of such delay in submitting the report, we do not think that the elections should be delayed for long as has been held by the Supreme Court in **Rahul Ramesh Wagh** (*supra*). We also do not deem it appropriate to await for the report of the OBC Commission and if there is delay on their part, the Elections of the Panchayats cannot be allowed to be delayed further. We had given the State Government time to conduct the elections by April, month of May has already arrived.

7.3 The submissions of the learned Advocate General of allowing them to conduct elections in the month of November is found to be without any basis. Excuses like rain and hot weather have no place in State of Rajasthan, as there are no such extreme weather conditions, which the citizens are not able to bear. The functioning of the State Government or its Authorities do not stop on account of weather conditions. Conducting of elections is a statutory as well as onerous duty of the Government, therefore, this Court is

not inclined to accept the reasons advanced by the learned Advocate General regarding the weather conditions prevailing in the State of Rajasthan as well as the subsisting tenure of some Panchayats Samities and Zila Parishads. The Election of the Panchayat Samities is totally independent to the elections of this Gram Panchayat and its tenure, constitutional mandate, therefore, cannot be bypassed.

7.4 We have noticed that the State has already conducted the delimitation process of the Panchayats by 31.12.2025 and electoral rolls have also been published by 25.02.2026, therefore, there is no difficulty in conducting the Elections of the Panchayats.

7.5 In the case of Urban Local Bodies while the process of delimitation has taken further time, we are satisfied that the same now stands resolved. Legal complications have also been sorted out, therefore, the State Government should take all the steps to conduct elections as soon as possible in Urban Local Bodies.

7.6 As regards the extreme heat wave, we may consider the same for the month of June this year but so far as rainy weather is concerned, the rain fall in the Rajasthan is never so extreme to disturb the day to day functioning. On the basis of the delay in submitting of the OBC Commission's report, we would be governed by the view taken by the Supreme Court in **Rahul Ramesh Wagh** (supra) and **Suresh Mahajan** (supra). We, therefore, would not allow the lackadaisical approach of the Commission to come in a way for conducting of Panchayat and Urban Local Bodies Elections. However, taking into consideration all the aspects as pointed out by the State Authorities, we direct

the State Election Commission to complete the exercise of elections to all the local bodies including Gram Panchayats and Municipalities by 31.07.2026.

7.7 It is made clear that if there is further delay in process of revision of electoral rolls, the responsibility would be of the concerned Officers and we, therefore, direct that all the exercise of delimitation of wards and revision of electoral rolls of the Urban Local Bodies shall be completed on or before 20.06.2026 and the elections process would be completed by 31.07.2026.

8. All the misc. applications are disposed of in view of the directions as above.

**(SANJEET PUROHIT),J**

**(SANJEEV PRAKASH SHARMA),ACJ**

*praveen*