

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.2534 of 2015

(Purushottam Bahiyyalal Katre .vs. State Election Commission of Maharashtra and Ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.A.A.Naik, Adv. for the petitioner.
Mr.J.B.Kasat, Adv. for respondent no.1.
Mrs.B.P.Maldhure, A.G.P. for respondent nos. 2 to 4.

CORAM : B.P.DHARMADHIKARI &
S.B.SHUKRE, JJ.

DATE : 8.5.2015.

This matter was heard yesterday and order was also under dictation. At that juncture, while going through records handed over to us by Mr.J.B.Kasat, learned Counsel for respondent no.1, we found that there was fresh proclamation dt.27.4.2015. Further scrutiny of records and hearing revealed that though objection of the petitioner was rejected on 23.4.2015, similar objection raised by some other person was allowed because of the contents thereof. The fresh proclamation came to be issued in pursuance of that order dt.23.4.2015 on 27.4.2015.

That objection was raised by one Vinod Santoshkumar Agrawal. The electoral colleges and electoral Divisions insofar as Goregaon is concerned, underwent change. Because of this change, the arrangement objected to by the present petitioner did not survive. This change arrived at has not been assailed in the present petition. It appears that the Counsel for the petitioner got knowledge

of other order dt.23.4.2015 only in the Court yesterday.

In this situation, this Court found it necessary to examine prejudice, if any, suffered by the petitioner. The petitioner before this Court is resident of Gram Panchayat, Gorre, Tq.Salekasa, District Gondia. He has chosen Goregaon as an instance to point out arbitrariness in the process. As such, no specific grievance was pressed into service by him.

Today, we find that, in terms of proclamation dt.27.4.2015, lots have been redrawn insofar as electoral colleges and electoral Divisions for Goregaon are concerned. Mr.J.B.Kasat, learned Counsel submits that same have been finalised on 5.5.2015 and notified in the Government Gazette.

In this situation, taking overall view of the matter, as the order impugned is not in existence now and even if it is set aside, it will again affect further exercise undertaken in pursuance of order dt.23.4.2015 in the matter of objection raised by Vinod Santoshkumar Agrawal, who happens to be resident of Goregaon, we find it appropriate to leave the contentions of present petitioner open for consideration in appropriate jurisdiction, as and when occasion therefor arises.

Hence, with liberty to the petitioner to point out any material prejudice suffered by him in the process and keeping all the rival contentions open, we dispose of the Writ Petition. No costs.

JUDGE

JUDGE

**jaiswal*