

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

WRIT PETITION NO.3226 OF 2015

(Vilas s/o Sudhakar Mahajan and another ..vs.. The District Co-operative Election Officer and District Deputy Registrar Co-operative Societies, Yavatmal and others)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri F.T. Mirza, Advocate for the petitioners,
 Shri K.L. Dharmadhikari, AGP for respondent Nos.1 and 2,
 Shri P.S. Tidke, Advocate h/f. Shri M.V. Samarth, Advocate for
 respondent Nos. 3 to 7.

CORAM : Z.A. HAQ, J.

DATED : 29-06-2015

In Writ Petition No.3225/2015, legality of the order passed by the appellate authority directing the acceptance of nomination papers for the elections of the Yavatmal District Majoor Kamgar Sahakari Sansthantha Sangh Maryadit, Yavatmal, was challenged. Similar orders are challenged in the present writ petition. In Writ Petition No.3225/2015, Civil Application No.1224/2015 was filed, on which order is passed on 29-06-2015. The issue involved in the present writ petition is similar to the issue involved in Writ Petition No.3225/2015 and therefore, the present petition is also disposed in terms of the order passed in Writ Petition No.3225/2015.

2. After hearing the learned Advocates for the respective parties, this Court passed an order on

15-06-2015 issuing Rule and granting stay to the effect, operation and execution of the order passed by the District Deputy Registrar.

3. It is submitted on behalf of the respondent Nos.3 to 7 is that pursuant to the order passed by this Court on 15-6-2015 the names of the respondent Nos.3 to 7 were deleted from the array of contestants in elections which are held on 21-06-2015 and the results are also declared. It is submitted that the continuation of the interim order passed by this Court on 15-06-2015 is adversely affecting on the entitlement of the respondent Nos.3 to 7 to take appropriate proceedings in the matter.

4. After hearing the learned Advocates for the respective parties, in my view, the petition does not survive, in view of the subsequent events that the elections have been held and the results are also declared and the respondent Nos.3 to 7 had not been the contestants at the elections because of the rejection of the nomination papers by the Returning Officer. Hence, the petition is disposed accordingly without going into the merits of the matter. Needless to say that the respondent Nos.3 to 7 would be at liberty to take appropriate proceedings to seek redressal of their grievance against the decision of the Returning Officer rejecting their nomination papers and also to raise challenge to the the results of the elections.

5. The writ petition is disposed accordingly. In the circumstances, the parties to bear their own costs.

JUDGE

pma