

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

CIVIL APPLICATION (CAW) NO.1224 OF 2015

IN

WRIT PETITION NO.3225 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 11.

CORAM : Z.A. HAQ, J.

DATED : 29-06-2015

This is an application filed by the respondent Nos.3 to 11 praying for modification of the order passed by this Court on 15-06-2015. The nomination papers of the respondent Nos.3 to 11 were rejected by the Returning Officer. The decision of the Returning Officer rejecting their nomination papers was challenged by the respondent Nos.3 to 11 in appeal. The appellate authority-District Deputy Registrar had allowed the appeal filed by the respondent Nos.3 to 11 and directed that their nomination papers be accepted. The order passed by the District Deputy Registrar has been challenged in this writ petition.

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 11 is that pursuant to the order passed by this Court on 15-6-2015 the names of the respondent Nos.3 to 11 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 11 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 11 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 11 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 results of the elections.

5. The writ petition and the civil application are disposed accordingly. In the circumstances, the parties to bear their own costs.

JUDGE

pma