

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

Writ Petition No.4444 of 2015

(Sanjay Annaji Rohankar v. District Deputy Registrar, Co-operative Societies,
Amravati and others)

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

Court's or Judge's orders

Shri T.S. Keni, Advocate, holding for Shri A.S. Kilor, Advocate for
Petitioner.

Shri K.L. Dharmadhikari, Assistant Government Pleader for
Respondent Nos.1 and 2.

Shri A.S. Manohar, Advocate for Respondent No.9.

Coram : R.K. Deshpande, J.

Date : 25th August, 2015

On 5-8-2015, this Court passed an order as under :

“ Heard Shri A.S. Kilor, learned advocate for the petitioner,
Shri A.S. Manohar, learned advocate for respondent no.9 and
Shri K.L. Dharmadhikari, learned A.G.P. for respondents 1
and 2.

*The grievance of the petitioner is that his nomination
form for the election of the Agricultural Produce Market
Committee from the Village Panchayats' Constituency reserved
for Agriculturists has been wrongly rejected on the ground that
the petitioner is a Trader. Learned advocate for the petitioner
has submitted that the petitioner could not have been disqualified
on the above ground and mere inclusion of the name of petitioner*

in the voters' list of Traders Constituency does not disqualify the petitioner from contesting the election as an Agriculturist. It is submitted that the Appellate Authority has wrongly relied on the receipt dated 15th February, 2014 which was in respect of transaction in the year 2013 – 2014 and not relevant for the year 2014 – 2015. It is further submitted that the traders license of the petitioner has not been renewed for 2014 – 2015.

The petition raises arguable points.

Notice, returnable on 14th August, 2015.

The petitioner has made out prima facie case for grant of interim order. By an interim order, the Returning Officer is directed to provisionally include the name of the petitioner in the list of validly nominated candidates for the Village Panchayats Constituency reserved for Agriculturists.

The Returning Officer shall take necessary consequential steps in the matter including the allotment of symbol to the petitioner.

The result of the election of above Constituency shall not be declared until further orders.

Shri Manohar, learned advocate waives notice for respondent no.9.

Shri Dharmadhikari, learned A.G.P. waives notice for respondents 1 and 2.

An authenticated copy of this order shall be supplied to learned advocates for the respective parties.”

Shri Adwait Manohar, the learned counsel, appears for the respondent No.9, who contested the appeal before the District Deputy Registrar, who upheld the order of rejection of nomination paper passed by the Returning Officer. The other respondents have not objected to the nomination paper filed by the petitioner. The learned counsels appearing for the parties, therefore, submit that the result of the election be directed to be declared and if the petitioner is elected, his election can be made subject-matter of challenge in an election petition.

In view of the aforesaid position, the respondents are directed to declare the result of the election of the petitioner from the Village Panchayats Constituency. In the event if the petitioner is elected, the parties shall be at liberty to file an election petition challenging the

election of the petitioner on all grounds and none of the observations made by this Court or in the orders passed by the authorities below shall come in the way of parties.

With these observations and directions, the petition is disposed of.

Judge.

Lanjewar