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

CIVIL APPLICATION NO.222/2016
IN
WRIT PETITION NO.527/2016

M.I.D.C. Prakalpgrast, Majur Kamgar, Sahakari Sanstha Maryadit, Wagholi
..Versus..
Amravati District Labour Co-operative Society's Union Ltd. and another

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

CORAM : Z.A. HAQ, J.
DATE : 2.2.2016

Heard Shri H.S. Chitaley, advocate for the petitioner, Shri A.M. Ghare, advocate for respondent no.1 and Ms. R.A. Deshpande, A.G.P. for respondent no.2.

This Court directed issuance of notice by the order dated 27th January, 2016 and considering the exigency of matter the notice was made returnable on 29th January, 2016. The petition was not listed on 29th January, 2016 and the learned advocate appearing for the petitioner mentioned for

urgent circulation on that date on the ground that the last date of submission of nomination paper was 29th January, 2016. Considering the urgency in the matter, circulation was granted on that day and the matter was placed before the Court. After hearing the advocate for the petitioner and the learned A.G.P., an interim order came to be passed directing the respondent no.2 to provisionally accept the nomination paper of the petitioner.

The petitioner has filed present application stating that the petitioner could not submit the nomination paper on 29th January, 2016 as he got the Hamdast containing writ of this Court on 29th January, 2016 at 5.30 p.m. It is submitted that the petitioner approached the respondent no.2 on 30th January, 2016 and requested to accept the nomination paper, however he has not accepted. In these facts, the petitioner seeks direction to the respondent no.2 to accept the nomination paper of the petitioner.

Though the petition was not listed on 29th January, 2016, on request made on behalf of the petitioner urgent circulation was granted and matter was taken up on 29th

January, 2016. The learned A.G.P. sought time, however, the request for adjournment was refused and interim order was passed. The learned A.G.P. states that the order was immediately communicated to the respondent no.2. The petitioner should have submitted the nomination paper on 29th January, 2016. It is not the case of the petitioner that he wanted to submit the nomination paper on 29th January, 2016 and the respondent no.2 refused to accept it. In these facts, I am not inclined to consider the prayer made by the petitioner. The civil application is disposed of accordingly.

It is clarified that the merits of the claim of the petitioner are not examined and they will be considered at the time of further hearing of the writ petition.

C.A.W. NO.225/2016.

In view of the fact that the petitioner has not submitted the nomination paper, the interim order passed by this Court on 29th January, 2016 has become redundant and, therefore, the prayer made in this application does not survive. The application is disposed of accordingly.

WRIT PETITION NO.527/2016.

List the petition for further consideration on **12th February, 2016**.

JUDGE

Tambaskar.