IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 16210 of 2020

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BARIYA ISHWARBHAI BHULABHAI

Versus

STATE OF GUJARAT

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Appearance:
APURVA K JANI(7057) for the Petitioner(s) No. 1
MALAYKUMAR S PATEL(8901) for the Petitioner(s) No. 1
for the Respondent(s) No. 2,3,4,5,6,7,8
MR TRUPESH KATHRIYA AGP for the Respondent(s) No. 1
MR VC VAGHELA for the Respondent(s) No. 4

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CORAM: **HONOURABLE MR. JUSTICE A.C. RAO**

Date : 23/12/2020

ORAL ORDER

Heard learned counsel for the respective parties.

2. The petitioner herein has filed this petition for quashing and setting aside the order dated 3.10.2020 passed by the respondent No.2. It is also prayed that appropriate writ may be issued directing that the name of the present petitioner be included in the final voters' list replacing the name of the respondent No.5.

3. The short facts leading to present petition are that, the petitioner declared as a President by majority of the members of the Mandali for the period of year 2019 to 2023 and the said resolution was submitted to the respondent No.3. Thereafter, the respondent No.5 has also produced the documents and

stated that he is the President and not the present petitioner so, his name was included by the order dated 3.10.2020.

4. According to the petitioner, the name of the petitioner is required to be included and not of the respondent No.5, however, the election process is already started.

5. Mr. Vaghela, learned advocate for the respondent No.4 has submitted that there is an election of the Members of the Committee for which according to the petitioner he is entitled for voting, however, the said election is already declared and the candidate is found uncontested qua ward No.10.

6. Under the circumstances, I am of the view that when the election is already declared, this writ petition is not maintainable and the questions involved in the matter can be decided if the petitioner files election petition before the appropriate forum.

Considering the peculiar facts of the case, I am of the view that this question is not required to be considered in this writ petition and the petition is required to be dismissed and is accordingly dismissed.

It is clarified that the question with regard to

entitlement for the inclusion of the name of the petitioner in the voters list is not entered into.

Present petition accordingly stands disposed of.

(A. C. RAO, J)

MAYA S. CHAUHAN/beena/dolly/kdc