

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

CIVIL APPLICATION (W) NO.1311 OF 2021
IN
WRIT PETITION NO.85 OF 2021 (D)

[Gazala Bi Saddam Shah **..Vrs..** The Collector, Buldana and Ors.]

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

Court's or Judge's

Shri. R. L. Khapre, Senior Advocate a/b Shri. D. R. Khapre, Advocate
for Applicant
Shri. K. L. Dharmadhikari, AGP for Respondent Nos.1 and 2
Shri. A. M. Ghare, Advocate for Non-Applciant No.4/Original Petitioner
Shri. J. B. Kasat, Advocate for Non-Applciant No.3-State Election
Commission.

CORAM : N. B. SURYAWANSHI, J.

DATE : 5th OCTOBER, 2021.

1. After arguing for sometime, Shri. R. L. Khapre, the learned Senior Advocate for Applicant seeks permission to withdraw the present Civil Application with liberty to challenge the order dated 07.09.2021 passed by Respondent No.3/The State Election Commission by filing Writ Petition. He submits that interim order passed by this Court on 17.09.2021 may be continued so as to enable him to approach this Court by filing Writ Petition.

2. Shri. A. M. Ghare, learned Advocate for Non-Applciant No.4/original Petitioner vehemently opposed the prayer stating that the ground on which, the Writ Petition was dismissed also applies here and the interim order may not be continued as the elections of Sarpanch and Up-Sarpanch are stayed by way of interim order. The Petitioner has alternate efficacious remedy of challenging the elections of Sarpanch and

Up-Sarpanch by filing Appeal before the Competent Forum.

3. Taking into consideration the peculiar facts of the case, the Civil Application is permitted to be withdrawn with liberty as prayed for. The interim order dated 17.09.2021 is continued for a period of one week from today.

4. All the contentions of respective parties are kept open.

(N. B. SURYAWANSHI, J.)

TAMBE