

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.1622 OF 2022
IN WP/10973/2021 WITH WP/10973/2021**

**JAGDEEPSINGH MOHANSINGH NUMBERDAR AND
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Applicants : Mr. B. N. Patil Gadegaonkar
AGP for Respondent Nos. 1 & 2: Mr. A. S. Shinde
Senior Advocate for Respondent Nos.3 & 4 : Mr. Rajendrraa Deshmukh
a/w Mr. S. V. Deshmukh i/b Mr.D. R. Deshmukh

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**CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.
DATED : 1 JULY 2022.**

P. C. :

This application is for amendment of the writ petition and for addition of parties. The original petition is filed challenging the notification dated 8 March 2019 thereby granting appointment / nomination of respondent No.4 as the member of Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Board, Gurudwara Nanded. In so far as the present application for amendment is concerned, the applicant proposes to add prayer clause B-1 as under :

Prayer Clause B-1 :

The respondent no.4 be declared as disqualified for appointment as Member of The Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Board,

Gurudwara Nanded in future and the respondent authorities i.e. Respondent no.1 to 3 & 5 be restrained from re-nominating /reappointing the respondent no.4 as a Member of Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Board, Gurudwara Nanded."

2. Mr. Deshmukh, learned senior counsel for respondent Nos. 3 and 4 has submitted that amendment cannot be allowed as it seeks a decision on a future event, which has not yet arisen. It is submitted that the amendment also travels beyond the scope of the dispute and prayers in the main petition.

3. Mr. Deshmukh, learned senior counsel has pointed out Government notification dated 29 June 2022 (marked X for identification), by which the government in exercise of the powers conferred by proviso to Sub-Section 1 of Section 53 of the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib Board Act, 1956 has superseded the board for a period of six months from the date of publication of the notification. He, therefore, submits that even the relief in the main petition has become infructuous.

4. We have heard the learned counsel for the parties.

5. It does appear that in view of the government notification dated 29 June 2022 the Board of the said Gurudwara has been superseded

and therefore, the reliefs claimed in the main petition have become infructuous. In so far as the application is concerned, it proposes to add a prayer dealing with a situation which may or may not arise in future. It is trite that it is open for the petitioner to raise the same as and when the issue arises. The decision on the said issue cannot be preempted at this stage. The learned counsel for the applicant / petitioner in such circumstances submits that subject to petitioner's liberty to raise the issue in future if it arises being left open, appropriate orders may be passed.

6. In that view of the matter, the writ petition as well as the application for amendment are disposed of as infructuous.

7. Needless to mention that, the petitioner can raise the grievance as stated in the application in the event if it arises in future.

In the circumstances, there shall be no order as to costs.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.

VS Maind/-