

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4744 OF 2024

Kolhapur Zilla Sahakari Dudh Utpadak,
Sangh Ltd., Kolhapur (Gokul)

...Petitioner

Vs.

The Collector and District Election Officer,
Kolhapur Swarajya Bhavan & Ors.

...Respondents

Mr. Surel Shah i/b Mr. Rahul P. Kasbekar, for Petitioner.

Ms. Shruti D. Vyas, Addl. G.P. a/w Mr. P. P. More, AGP for State.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.

DATE: 27 MARCH, 2024.

P.C.

1. This petition under Article 226 of the Constitution of India was filed assailing action of respondent No.1 to requisition two vehicles of the petitioner being vehicles number MH09GF6177 and MH09GJ6000. It is assailing such decision dated 21 March 2024 of respondent No.1 this petition was filed praying for the following substantive reliefs :

“(a) That this Hon’ble Court may be pleased to issue Writ of Certiorari or any other appropriate writ, order and/or direction thereby calling for the records and proceedings from the Office of Respondent No.1 Collector & District Election Officer, Kolhapur in respect of the impugned order passed in Kra.Karya.10/Nivadnuk/Aastha/RR/277/2024;

(b) That after calling for the records and proceedings from the Office of Respondent No.1 Collector & District Election Officer, Kolhapur in respect of the impugned order passed in Kra.Karya.10/Nivadnuk/Aastha/RR/277/2024, this Hon’ble Court be pleased to issue Writ of Certiorari or any other appropriate writ, order and/or direction thereby quash and set aside the impugned order dated

21.03.2024 and further be pleased to release the enumerated vehicles of the Petitioner from election duty;

(c) That this Hon'ble Court may be pleased to issue Writ of Mandamus or any other appropriate writ, order and/or direction thereby directing the Respondent No.1 to forthwith withdraw the impugned order dated 21.03.2024 and not to act upon the same;"

2. We have heard learned counsel for the parties on the earlier occasion, when the petitioner had made a statement before us and the petitioner was ready and willing to provide two alternate vehicles instead of the vehicles as requisitioned, the details of which are set out at Exhibit-C page 18 namely Innova vehicle number MH09GJ3555 and Ertiga vehicle number MH09FV0313.

3. Learned Assistant Government pleader on instructions submits that respondent No.1 is ready to accept the two alternate vehicles as offered by the petitioner.

4. In this view of the matter further adjudication of this petition is not called for. It is accordingly disposed of accepting the statement as made on behalf of the parties.

5. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)