

Date of Decision: 2nd August 1995

SPECIAL CIVIL APPLICATION NO. 2296 of 1988

FOR APPROVAL AND SIGNATURE

THE HONOURABLE MR. JUSTICE A.N. DIVECHA

1. Whether Reporters of Local Papers may be allowed to see the judgment? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of judgment? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

Shri Bharat S. Patel, Advocate, for the Petitioner

Shri V.B. Gharaniya, Asst. Govt. Pleader, for Respondent No.1

Shri H.S. Munshaw, Advocate, for Respondent No.2

CORAM: A.N. DIVECHA, J.
(2nd August 1995)

ORAL JUDGMENT

The resolution passed by the Managing Committee of the District Panchayat of Bharuch (Respondent No.2 herein) as affirmed in appeal by the order passed by the Additional Development Commissioner in Gandhinagar (Respondent No. 1 herein) on 19th April 1988 in Appeal No. 12 of 1986 is under

challenge in this petition under Articles 226 and 227 of the Constitution of India. By its impugned resolution, the petition was removed as the Sarpanch of the Gram Panchayat of Saran taluka Vaghra under sec. 49(1) of the Gujarat Panchyats Act, 1961 (the Act for brief). Copies of the resolution passed by respondent No.2 and the order passed by respondent No.1 are at Annexures H and K respectively.

2. It appears that the election of the petitioner as the sarpanch took place some time in 1984. The term of his office would be for 5 years under the Act. That term might have expired long back. No useful purpose will be served by examining the merits of the case at this stage. This petition therefore deserves to be disposed of on the ground of its having become infructuous by passage of time.

3. In the result, this petition fails on account of its having become infructuous by passage of time. It is therefore rejected. Rule is accordingly discharged with no order as to costs.

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