

Date of Decision: 20th July 1995

SPECIAL CIVIL APPLICATION NO. 3266 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 Prasant G. Desai, Advocate, for Shri G.M. Desai, Advocate, for the Petitioners  
Shri V.B. Gharaniya, Asst. Government Pleader, for the Respondents.

CORAM: A.N. DIVECHA, J.  
(20th July 1995)

#### ORAL JUDGMENT

The order passed by the Collector of Kheda (Respondent No. 2 herein) on 8th June 1988 cancelling the notification issued on 10th May 1988 for holding election of Ward No. 16/1 of Karamsad Nagar Panchayat with respect to the reserved seat is under challenge in this petition under Art. 226 of the Constitution of India.

2. It is not necessary to set out in detail the facts giving rise to this petition. It appears that, pursuant to the notification issued on 10th May 1988, the election to the reserved seat of Ward No. 16/1 of Karamsad Nagar Panchayat was to be held on 19th June 1988. The stages of election provided filing of nominations between 19th May and 21st May 1988 and the last date for withdrawal of nominations was 30th May 1988. It appears that only two nominations were filed. The other candidate appears to have withdrawn his nomination and thereupon the lone surviving candidate was declared elected uncontested. Later on respondent No.2 issued one notification on 8th June 1988 cancelling the earlier notification issued on 10th May 1988. A copy of the order issued on 8th June 1988 cancelling the notification of 10th May 1988 is at Annexure D to this petition. The petitioners have challenged the aforesaid order at Annexure D to this petition.

3. The Assistant Government Pleader for the respondents has stated at the Bar that the Nagar Panchayat of Karamsad has been converted into a municipality and consequently the Nagar Panchayat has stood dissolved. In that view of the matter, this petition can be said to have become infructuous. It deserves to be disposed of as such.

4. In the result, this petition fails on the ground of its having become infructuous. It is hereby rejected. Rule is accordingly discharged with no order as to costs. The interim relief stands vacated.

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