

MC 954/2008

BEFORE

THE HON'BLE MR. JUSTICE B.K. SHARMA

Heard Mr. M.K. Choudhury, learned Sr. Counsel assisted by Mr. K.H. Choudhury, learned counsel for the applicant i.e. the newly impleaded respondent No. 9. I have also heard Mr. A. Sharif, learned counsel for the writ petitioner.

By means of this application, the respondent No. 9/applicant has prayed for vacation of the interim order dated 28.1.2008. On perusal of the order dated 28.1.2008, it is apparent that there is no stay order passed against the respondent No. 9 as well as the official respondents. Only provision made is to the effect that the election in question and the declaration of results thereof shall be subject to outcome of the writ petition. Same does not mean passing of any interim order to the extent of debarring the respondent No. 9 to function as the President of the Gaon Panchayat. In other words, in terms of the said order, there is no bar to formally declare the election results as well as to allow the respondent No. 9/applicant to function as the President of the Gaon Panchayat.

It is ordered and clarified accordingly.

This clarification/order is passed in view of the claim of the respondent No. 9/applicant that she has been declared elected as Gaon Panchayat President of No. 61 Neairgram Bagpur Gaon Panchayat.

Misc. Case stands disposed of.