

# **HIGH COURT OF JAMMU AND KASHMIR**

AT JAMMU

LPAOW No. 87/2012, CMA No. 132/2012

Date of order: 23.04.2013

Sudesh Kumari

v

State & ors

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## **Coram:**

**Hon'ble Mr. Justice M. M. Kumar, Chief Justice**

**Hon'ble Mr. Justice Dhiraj Singh Thakur, Judge**

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## **Appearing counsel:**

For the appellant(s) : Mr. V.R. Wazir, Sr. Advocate with  
Mr. Amit Chopra, Advocate.

For the respondent(s) : Mrs. Z.S. Watali, Dy. AG for 1-5  
Mr. K.L. Pandita, Advocate for 6.

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(Oral)

Per: M.M. Kumar, CJ

1. The instant appeal under Clause 12 of the Letters Patent is directed against the order dated 22-11-2012 passed by learned Single Judge of this court issuing directions to the official respondents to consider the representation of the writ petitioner-respondent No. 6 and take a decision in the matter within a period of seven days from the date, a copy of this order is served on them.

2. The main grievance of the appellant is that the order has been passed without serving any notice to him because another petition namely, OWP No. 272/2012 has been preferred by him and there is

interim order passed by this court on 29-2-2012, staying the operation of order dated 16-02-2012.

3. Mrs. Watali learned State counsel has placed on record a copy of the consideration order dated 30-11-2012 in pursuance of directions issued by this court in the impugned order. The Joint Chief Electoral Officer has decided the representation made by the writ petitioner-respondent No. 6 as per the directions of this court and the writ petitioner-respondent No. 6 has not been able to secure any relief. The order dated 30-11-2012 has so far remained unchallenged before any forum.

4. We have heard learned counsel for the parties and have perused the various orders relevant to the controversy.

5. In the facts and circumstances of this case, we are of the view that the direction issued by the learned Single Judge dated 22-11-2012 in OWP no. 1597/2012 preferred by the writ petitioner-respondent No. 6 has already been given effect resulting in passing of an order dated 30-11-2012. It is not disputed by Mr. Wazir, learned counsel for the appellant that the order dated 30-11-2012 does not

affect the rights of the appellant in any manner whatsoever.

6. Accordingly, we dispose of the appeal as having been rendered infructuous. However dismissal of the appeal shall not be construed as a bar for the writ petitioner-respondent No. 6 to work out his remedy in accordance with law for assailing order dated 30-11-2012.

7. The appeal stands disposed of in the above said manner.

**(Dhiraj Singh Thakur)**  
**Judge**

**(M. M. Kumar)**  
**Chief Justice**

**Jammu,**  
**23.04.2013**  
**Naresh**