

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION NO. 8932 of 2012****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR.JUSTICE JAYANT PATEL****and****HONOURABLE MR.JUSTICE Z.K.SAIYED**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
- 2 To be referred to the Reporter or not ?
- 3 Whether their Lordships wish to see the fair copy of the judgment ?
- 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 ?
- 5 Whether it is to be circulated to the civil judge ?

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ARJANBHAI LIMBABHAI RAMANI....Petitioner(s)

Versus

COLLECTOR AND DISTRICT MAGISTRATE & 2....Respondent(s)

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Appearance:

MR BHARAT T RAO, ADVOCATE for the Petitioner(s) No. 1

MR DHAWAN JAYSWAL, AGP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE JAYANT PATEL**and****HONOURABLE MR.JUSTICE Z.K.SAIYED**

Date : 30/09/2013

ORAL JUDGMENT

(PER : HONOURABLE MR.JUSTICE JAYANT PATEL)

1.The petitioner, by this petition, has prayed for appropriate direction to quash and set aside the appointment of Additional Mamlatdar, Rajkot City as the Returning Officer for the election scheduled to be held on 14.7.2012 and further consequential reliefs are also prayed.

2.It appears from the Civil Application filed in the present matter being Civil Application No.7951 of 2012 that the election has been held and the result of the election is also declared and as stated in the application, the original petitioner has lost at the election from Jasdan Constituency and the applicant in the said matter has been declared as returning candidate.

3.In view of the fact that the election has been held and the result is also declared, we find that the present petition can be disposed of with the observation that if the petitioner is aggrieved for holding of the election and declaration of result of election, the petitioner

may resort to appropriate proceedings to challenge the legality and validity of the election proceedings before the Election Tribunal or before appropriate forum.

4. Hence, subject to the aforesaid observation, the present petition is disposed of. Rule is discharged.

(JAYANT PATEL, J.)

(Z.K.SAIYED, J.)

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