

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 15879 of 2021****With****CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2021****In R/SPECIAL CIVIL APPLICATION NO. 15879 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 15883 of 2021****With****R/SPECIAL CIVIL APPLICATION NO. 16040 of 2021****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2021****In R/SPECIAL CIVIL APPLICATION NO. 16040 of 2021**

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ARSHIBHAI DEVABHAI DUVA

Versus

STATE OF GUJARAT

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Appearance:

MR DIPEN DESAI(2481) for the Petitioner(s) No. 1

. for the Respondent(s) No. 24,25,26,27,7

MR KRUTIK PARIKH AGP (99) for the Respondent(s) No. 1

NOTICE SERVED BY DS(5) for the Respondent(s) No. 2,28,3,4,5,6,8

SERVED BY RPAD (N)(6) for the Respondent(s) No.

10,11,12,13,14,15,16,17,18,19,20,21,22,23,9

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 18/11/2021****ORAL ORDER**

1. The captioned writ petitions were heard at length. During the course of the arguments the learned advocates for the respective parties have agreed for passing the following order, without prejudice to their rights and contentions.

2. The elections are scheduled to take place on 21.11.2021.

2.1. The issue in Special Civil Application No.15879 of 2021 is relatable to the Traders Constituency wherein, the grievance is against inclusion of the names of the respondent Nos.5 to 28.

2.2. So far as Special Civil Application No.15883 of 2021 is concerned, the same pertains to the Co-operative Marketing Societies Constituency wherein, the grievance is against the inclusion of the names of the societies i.e. respondent Nos.5 to 10.

2.3. So far as Special Civil Application No.16040 of 2021 is concerned, the same pertains to both i.e. Traders Constituency and Co-operative Marketing Societies Constituency.

3. Considering the prayers and grant of interim prayers at this stage, it is likely to create irreversible situation and therefore, the elections are permitted to take place as scheduled i.e. on 21.11.2021.

3.1. The respondent Nos.5 to 28 of Special Civil Application No.15879 of 2021 are permitted to cast their votes; however, their votes shall be kept in a separate sealed cover. Similarly, the respondent Nos.5 to 10 of Special Civil Application No.15883 of 2021 are permitted to cast their votes and their votes shall also be kept in a separate sealed cover. The counting and results of the elections of both the constituencies, namely, Traders Constituency so also, the Co-operative Marketing Societies Constituency, shall not be declared till the next date of hearing. Needless to say that the elections of the aforesaid two Constituencies shall be subject to outcome of the captioned writ petitions.

4. Special Civil Application No.16040 of 2021 to be heard along with Special Civil Application Nos.15879 of 2021 and 15883 of 2021.

5. The Authorized Officer shall file affidavit, clarifying the publication of the voters' lists, all dated 04.10.2021 bearing outward Nos.360 of 2021, 361 of 2021, 362 of 2021 and 363 of 2021 with respect to the Traders Constituency and Co-operative Marketing

Societies Constituency. The Authorized Officer shall also explain the issuance of communication dated 09.11.2021 whereby, it has been stated that the voters' list dated 04.10.2021 bearing outward No.360 of 2021 has been issued as per the order dated 29.10.2021 passed by this Court.

6. List all the matters for further hearing on 24.11.2021 at 2:30 p.m.

7. Mr.Krutik Parikh, learned Assistant Government Pleader is directed to communicate the contents of this order passed by this Court today to the Authorized Officer.

Direct service **today** is permitted.

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(SANGEETA K. VISHEN,J)