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SLP(C)No. 6076 OF 2004

ITEM No.8

Court No. 1

SECTION XIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.6076/2004
(From the judgement and order dated 13/02/2004 in WA 2965/02
of The HIGH COURT OF KERALA AT ERNAKULAM)

P. RAJENDRAN

Petitioner (s)

VERSUS

STATE COOP. ELECTION COMMISSION & ORS.

Respondent (s)

(With prayer for interim relief and office report)
(With Appln(s). for intervention/impleadment and exemption from filing O.T.)

Date : 29/07/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G.P. MATHUR
HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner (s)Mr. T L Viswanatha Iyer, Sr. Adv.
Mr. T.G. Narayanan Nair,Adv.

For Respondent (s)Mr. G. Prakash,Adv.

Mr. K.R. Sasiprabhu,Adv.

For Applicant(s)
in impleadmentMr. P N Pillai, Adv.
appln.Mr. Romy Chacko, Adv. (NP)

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal be treated as disposed of in terms of the signed order.

No orders on I.A. for impleadment.

(D.P. WALIA) (RADHA R. BHATIA)
COURT MASTER COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2004

[arising out of SLP(C) No. 6076/2004]

P. Rajendran... Appellant

vs.

State Co-operative Election Commission
& Ors.... Respondents

O R D E R

Leave granted.

The learned counsel appearing for respondent No. 5 and other candidates who contested against the appellant concedes that respondent No. 5 and other contesting candidates have no objection to the appellant's prayer being allowed to the extent that only active members enrolled in the voters list on the date of passing of the resolution for holding the elections shall be entitled to cast votes and the elections may be proceeded with accordingly. The votes cast may be counted in accordance with the above principle and the results may be declared. In view of the concession, we direct the authorities to proceed accordingly.

The appeal be treated as disposed of leaving the question of law open.

.....CJI

.....J
(G.P. MATHUR)

.....J
(C.K. THAKKER)

New Delhi;
July 29, 2004.