

ITEM NO.6

COURT NO.3

SECTION IV-A

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

Civil Appeal No(s).6556-6557/2021

ANJANA MURTHY. N & ORS.

Appellant(s)

VERSUS

KALPANA MANJUNATHA & ORS.

Respondent(s)

(IA No.151125/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 151116/2021 - INTERVENTION APPLICATION, IA No.157812/2021 - STAY APPLICATION)

Date : 10-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Appellant(s) Mr. S. N. Bhat, Sr. Adv.
Ms. Parvati Bhat, Adv.
Mr. Tarun Kumar Thakur, Adv.
Mr. D. P. Chaturvedi, Adv.
Ms. Anuradha Mutatkar, AOR

For Respondent(s) Mr. Nikhil Goel, AAG
Mr. Shubhranshu Padhi, AOR
Mr. Ashish Yadav, Adv.
Mr. Rakshit Jain, Adv.
Mr. Vishal Banshal, Adv.

Mr. Nikhil Majithia, AOR

Mr. Mahesh Thakur, AOR
Ms. Vipasha Singh, Adv.
Mr. Ajay Kanojiya, Adv.

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

We have heard learned counsel for the parties.

The submission made by Mr. S.N. Bhat and Mr. Nilhil Goel, learned counsel to clarify and modify

order dated 28.10.2021 including the *status quo* order dated 02.12.2021, so as to facilitate the competent authority to proceed with the process of electing the President and Vice-President for the upgraded Town Municipal Area (City Municipal Council) commends to us. The fact that the added areas have become a part of the Nelamangala City Municipal Council, does not necessarily follow that the elections are required to be conducted in respect of the added constituencies by way of upgradation, for the remainder term.

There is express provision in the form of Section 359(j). It predicates that one person ordinarily resident in the local area absorbed in the smaller urban area to be "nominated" by the Government, shall be an additional councillor of the Municipal Council. There is no provision for conducting election for the remainder term of the council for the added area as such.

In our opinion, therefore, the elections of President and Vice-President must proceed in accordance with law, including the notification issued on 18.11.2021. To that extent, we permit the competent authority to proceed.

The application for intervention and the appeals may proceed for hearing on 22.07.2022.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER