

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.16130-16131/2004

(From the judgement and order dated 06/08/2004 in WP 6457/04 & 6455/04
of The HIGH COURT OF BOMBAY)

RAJU SHETTI & ORS.

Petitioner (s)

VERSUS

KHEMA HANMANTA KAMBLE & ORS.

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned Judgment)
(With prayer for interim relief)

Date : 23/08/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)Mr. U.U. Lalit, Sr. adv.
Mr. Gaurav Agrawal, Adv.

Mr. Prashant Kumar,Adv.

For Respondent (s)Mr.Ashok H. Desai, Sr. adv.
Mr. Sridhar Y. Chitale, Adv.
Mrs. Anuradha Rustagi, Adv.

Mr. S.V. Deshpande,Adv.

Mr. Abhijat P. Medh,Adv.

UPON hearing counsel the Court made the following

O R D E R

These special leave petitions are directed against an interim order of the High Court. Pursuant to the interim order, elections have been held and result of the elections has been declared. The impugned order makes it clear that the declaration of the result of the election shall be subject to final outcome of the writ petitions in the High Court. The High Court itself can while hearing the writ petitions

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finally form an opinion on the legality and validity of the elections and can also form an opinion whether the interim order which was passed on 6.8.2004 should have been passed or not. That being the position of law, we are not inclined to interfere with the impugned order of the High Court at this stage.

The learned counsel for the petitioners, however, points out that the election has been held for a term of 5 years and by the time the writ petitions are taken up for hearing by the High Court, the term of the elected representatives may be over. He also submits that an application for early hearing and directions has already been moved in the High Court. In view of short point arising for decision and in view of the fact that the dispute relates to election, we have no reason to assume why the High Court would not in its discretion grant the prayer for early hearing and take up the matter for hearing at the earliest.

That being the position, the special leave petitions are dismissed.

(Ajay Kr. Jain)

(Radha R. Bhatia)

Court Master

Court Master