

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**WRIT PETITION (PIL) NO. 138 of 2015**

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KHEMCHAND R KOSHTI, CONVENER OF AHMEDABAD DISTRICT,
SWARAJ ABHIYAN, GUJARAT....Applicant(s)

Versus

STATE ELECTION COMMISSION GUJARAT & 2....Opponent(s)

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Appearance:

PARTY-IN-PERSON, PERSONAL CAPACITY for the Applicant(s) No. 1
MS MANISHA L SHAH, LD. GOVERNMENT PLEADER with MR PARTH
BHATT, AGP for the Opponent(s) No. 2 - 3

MR NIRAL R MEHTA, ADVOCATE for the Opponent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE JAYANT PATEL
and
HONOURABLE MR.JUSTICE RAJESH H.SHUKLA

Date : 17/07/2015

ORAL ORDER**(PER : HONOURABLE MR.JUSTICE JAYANT PATEL)**

1. The petitioner, by this petition, is seeking appropriate writ to declare that respondent No.1 has failed to discharge duties to consider the objections/suggestions and it is prayed by the petitioner that the respondent authority be directed to permit the petitioner and all residents of Ahmedabad to raise the objections against the provisional order for delimitation of

the constituency dated 28.5.2015.

2. We have heard Mr.Koshti appearing as party-in-person, Ms.Manisha Shah, learned Government Pleader for respondents No.2 and 3 and Mr.Niral Mehta, learned Counsel for respondent No.1 upon advance copy.
3. It appears that as per the preliminary order dated 28.5.2015 issued by the State Election Commission, the intention for delimitation of the respective wards and the rotation is declared. The suggestions are called for from the public at large. The petitioner is one of the persons, who have submitted suggestions.
4. Mr.Mehta, learned Counsel for the respondent No.1, under the instructions of respondent No.1, has stated that the suggestions are received from the petitioner as well as from other persons in response to the publication made of the preliminary order dated 28.5.2015. It was stated that all objections received within the time limit, including that of the petitioners, shall be considered by the Election Commission before finalization of the delimitation of the wards.
5. In view of the above, we direct the Election

Commission to abide by the declaration made before this Court.

6. As the grievance of the petitioner was that the other interested persons also may be permitted to submit suggestions and as stated on behalf of respondent No.1, the other interested persons have also submitted their suggestions and they are also to be considered as declared before this Court, we find that the grievance of the petitioner would no more survive, at this stage.

7. Hence, the petition is disposed of accordingly. However, it is observed that after the objections are considered, if the petitioner has any grievance thereafter, he may resort to appropriate proceedings, if otherwise permissible in law.

(JAYANT PATEL, J.)

(RAJESH H.SHUKLA, J.)

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