

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 301 OF 2017
(ARISING FROM SLP(C) NO. 23549/2012)

RITA SUBHASH SHAH

APPELLANT (S)

VERSUS

ELECTION OFFICER & ORS.

RESPONDENT (S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. In this appeal arising out of SLP(C) No.23549 of 2012 all that the High Court has done is to relegate the appellant to pursue the remedy by way of an election petition.

3. In the peculiar facts and circumstances of this case, we do not deem it appropriate to interfere with the order since the alternate remedy by way of election petition is the most efficacious remedy for the appellant in the facts of this case, particularly since the nomination of the appellant is alleged to have been improperly rejected by the Returning Officer.

4. Therefore, this appeal is disposed of as follows:

i) The result of the election already conducted during the pendency of this appeal shall be declared forthwith.

ii) In case an election petition is filed by the appellant within 10 days from the declaration of the result, we direct the Election Tribunal to try and dispose of the same on merits expeditiously and at any rate before the declaration of the election for the next term.

5. There shall be no order as to costs.

6. Pending application(s), if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
JANUARY 10, 2017.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 302 OF 2017
(ARISING FROM SLP(C) NOS. 18902/2014)

RITA MAGANLAL ACHARYA @ RITA SUBHASH SHAH APPELLANT(S)

VERSUS

DIVISIONAL CASTE CERTIFICATE SCRUTINY
COMMITTEE & ORS. RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. The appellant is aggrieved since the order of the Caste Scrutiny Committee which upheld the claim of the appellant as belonging to Hindu Jogi has been stayed by the High Court.

3. Being an interim order, we do not propose to go into the merits of the matter. Since the fresh elections are due to be held around six months, we request the High Court to dispose of the writ petition expeditiously and preferably within three months from the production of a copy of this order.

4. Needless also to say that the writ petition will be disposed of on merits uninfluenced by any of the observations contained in the impugned interim order.

5. The appeal is disposed of.

6. There shall be no order as to costs.

7. Pending application(s), if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
JANUARY 10, 2017.

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 (C) No(s). 23549/2012

(Arising out of impugned final judgment and order dated 30/07/2012 in WP No. 7186/2012 passed by the High Court of Bombay)

RITA SUBHASH SHAH

PETITIONER(S)

VERSUS

ELECTION OFFICER & ORS.

RESPONDENT(S)

(with appln. (s) for permission to file additional documents and interim relief and office report) (For Final Disposal)

WITH SLP(C) No. 18902/2014 (With Interim Relief and Office Report)

Date : 10/01/2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Sachin Patil, Adv.

For Respondent(s) Mr. Vinay Navare, Adv.
Ms. Abha R. Sharma, Adv.

Mr. Arun R. Pedneker, Adv.
Mr. V.N. Raghupathy, Adv.

Mr. K.N. Rai, Adv.

Dr. R. R. Deshpande, Adv.

Mr. Nishant Ramakantrao Katneshwrkar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeals are disposed of in terms of the respective signed judgments.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Two separate Signed 'Non-Reportable' Judgments are placed on the file)