

**Narendra Vs. the State of Madhya Pradesh**

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**Court :** Madhya Pradesh

**Decided On :** Dec-03-2012

**Appellant :** Narendra

**Respondent :** The State of Madhya Pradesh

**Advocate for Pet/Ap. :** Shri. Devesh Khatri

**Judgement :**

W.P.No.20166/2012 (Narendra versus State of MP and otheRs.03.12.2012 Heard Shri Devesh Khatri, learned counsel for the petitioner and Shr P.K.Kourav, learned Dy.

A.G.for the State on caveat on the question of admission and interim relief.

The petitioner has filed this petition being aggrieved by the reservations in the election of the Krishi Upaj Mandi as well as the voter list on the basis of which the election is proposed to be held.

It is submitted that the impugned action of the respondents/authorities is contrary to the provisions of the M.P.Krishi Upaj Mandi (Mandi Samiti Ka Nirvachan) Rules, 1997) and therefore be stayed and quashed.

The learned Dy.

Advocate General appearing for the respondent/State submits that the State has taken up proceedings in accordance with law for making reservations.

It is submitted that the State is required to hold and complete the elections of Krishi Upaj Mandi Samities in the State of Madhya Pradesh by 31.12.2012 in view of the orders passed by the Supreme Court in Civil Appeal No.4728/2012 dated 21.05.2012 and therefore the State has undertaken the exercise of making reservations in the Krishi Upaj Mandi Samities in the State of Madhya Pradesh and pursuant thereto initially by order dated 14.09.2012, the previous reservations made in the Mandi Samities were cancelled and thereafter fresh proceedings were taken up under the provisions of Rule 5 of the Rules, 1997 and the impugned notification dated 19.11.2012 has been issued wherein Seoni Mandi Samiti was reserved for the Other Backward Castes.

It is further stated that the election programmes for holding elections have been issued by the authorities on 19.11.2012 in accordance with the provisions of Rule 26 of the Rules, 1997, and the elections have been commenced, and therefore, the relief prayed for be rejected.

It is pointed out that in a similar petition challenging reservations made by the respondent authorities, the Division Bench of this Court by order dated 09.04.2012 passed in W.P.No.5371/2012(PIL) has dismissed the petition by holding that the High Court should not exercise its powers under Article 226 of the Constitution of India and interfere in the process of election once the process of election is set in motion.

The aforesaid decision of the Division Bench passed in W.P.No.5371/2012 (PIL) has been followed in W.P.No.6674/2012 decided on 30.04.2012.

It is submitted that in view of the aforesaid decision of the Division Bench of this Court, the present petition be dismissed.

I have heard the learned counsel for the parties at length.

From a perusal of the petition and the undisputed statements and the documents produced by the Dy.

Advocate General before this Court, which has been perused by me as well as by the learned counsel appearing for the petitioner, it is clear that the elections have been notified on 19.11.2012 and in such circumstances in view of the decision of the Division Bench of this court rendered in W.P.No.5371/20012(PIL) decided on 09.04.2012, this court cannot interfere in the process of election in exercise of powers under Articles 226 of the Constitution of India at this stage.

The petition filed by the petitioner is accordingly dismissed with an observation that the petitioner, if so advised, would be at liberty to take up the aforesaid issue subsequently in case occasion arises and if the petitioner wishes to assail the election of the Seoni Mandi Samiti before the appropriate forum.

With the aforesaid observation, the petition filed by the petitioner stands dismissed.

(R.S.Jha) Judge msp

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