

State of Assam

Vs

Union of India and Others

Civil Miscellaneous Petitions Nos. 32534-35 of 1988

(N. D. Ojha, E. S. Vankataramiah JJ)

10.01.1989

ORDER

1. Delay condoned.

2. We have heard learned counsel for the plaintiff-State of Assam and the learned counsel for the defendants, namely, Union of India, the State of Nagaland and the Election Commission. Taking into consideration all the aspects of the case and the balance of convenience we feel that the appropriate order that should be passed in this case is that we should allow the Election Commission to conduct the election scheduled to be held on January 21, 1989 in the areas in dispute in any of manners indicated by it in para 4 of its counter-affidavit, namely, either by setting up polling stations in the disputed areas at the same sites and locations at which they were set up at the time of the last general election to the Nagaland Legislative Assembly held in November 1987 or in any other manner it considers appropriate. The election shall be held under the supervision of the Election Commission of India with the assistance of the police force selected by it. This order is subject to the decree to be passed in the suit.

3. Written statements of the defendants shall be filed in this suit by the end of February 1989. The plaintiff shall file replies, if any, to the written statements by March 8, 1989. All the parties shall file all the documents on which they rely before March 8, 1989. The case shall be posted for settlement of issues to March 10, 1989. Leave is granted to institute the suit without notice. This disposes of CMP Nos. 32534-35 of 1988.

Court Master

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