

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.9945 of 2015

ORDER:

According to the petitioner, he was elected to the post of Sarpanch of Peddapavani Village, Lingasamudram Mandal, Prakasam District, in the elections conducted in the year 2013. Challenging the said election, the 5th respondent herein filed O.P.No.1 of 2013 on the file of the Election Tribunal (Principal Junior Civil Judge's Court), Kandukur, and the 6th respondent was his advocate in the said O.P. While so, subsequently, the

6th respondent was appointed as Assistant Government Pleader and since then he has been appearing for the official respondents also in the O.P. The petitioner contends that the 6th respondent, who filed O.P. on behalf of the 5th respondent herein, cannot be permitted to appear for the official respondents also in the O.P. and if he is so permitted, there is every chance of his conducting the cross-examination in a manner favourable to the case of the 5th respondent and also tampering the records to suit the case of the 5th respondent. The petitioner further states that though his counsel raised an objection before the trial Court against the action of the 6th respondent in appearing for the petitioner as well as the official respondents in the O.P., the trial Court did not consider the same and insisted him to proceed with the case. Thereupon, the petitioner made a representation to the District Collector, who is the appointing authority for Assistant Government Pleaders, and also to the Election Authority, but no action was taken for disassociating the 6th respondent from the Election O.P. Hence, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

According to the petitioner, the 6th respondent, who filed the election O.P. on behalf of the 5th respondent herein, has been appearing for the official respondents also in the said O.P., on his becoming Assistant Government Pleader subsequent to the filing of the O.P. and thus there would not be any chance for conducting fair trial.

Though the petitioner contended that his counsel raised an objection before the trial Court against the action of the 6th respondent, he did not file any evidence to show that such an objection was raised and the trial Court refused to entertain the same. If there is any conflict of interest, in view of appearance of the 6th respondent as Assistant Government Pleader for the official respondents in the O.P., the petitioner shall raise the same before the concerned court and it is for the concerned court to take necessary steps and the petitioner cannot file the writ petition straightaway.

The writ petition is misconceived and the same is accordingly dismissed. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

A. RAJASHEKER REDDY, J

8th April, 2015

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