

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION No.379 OF 2015

ORDER:

This Civil Revision Petition is filed challenging the order dated 22.01.2015 passed in I.A. No.187 of 2014 in O.P. No.1 of 2013 on the file of the Election Tribunal-cum-Junior Civil Judge, Peddapali, Karimnagar District.

2. The first respondent filed the Election O.P. questioning the election of the petitioner as Sarpanch of Kothapet village, Velgatoor Mandal, Karimnagar District, on the ground that the petitioner suffered disqualification under Section 19(3) of the A.P. Panchayat Raj Act, 1994 (for short, 'the Act'). The first respondent is relying on certain birth certificates of the three children of the petitioner allegedly issued by the Zilla Parishad Secondary School, Kothapet (for short, 'the ZPSS'). It appears that the Tahsildar, Velgatoor Mandal, had issued a letter-Ex.P.6 stating that the birth and death registers pertaining to the years 1995 and 1998 are not available in his office.

3. The first respondent therefore, filed I.A.No.187 of 2014 to summon the Headmaster of the ZPSS and the Tahsildar to examine them with regard to above documents issued by them.

4. Although no counter was filed, the said application was opposed by the petitioner.

5. By order dated 22.01.2015, the Election Tribunal allowed the said application. The Tribunal held that the petitioner had disputed the birth certificates viz., Exs.P.1 to P.3 as well as Ex.P.6-letter, said to have been issued by the Tahsildar; therefore, to establish the genuineness of the said documents, the Head Master of the ZPSS as well as the Tahsildar have to be examined as witnesses. It also held that no prejudice would be caused to the petitioner.

6. Questioning the same, this Revision is filed.

7. The learned counsel for the petitioner contends that the Headmaster of the ZPSS, Kothapet, is not competent to issue any certificate as to the birth of the children of the petitioner since he is not a competent authority under the Registration of Births and Deaths Act, 1969, and that there is no necessity to examine the Headmaster of the ZPSS.

8. The learned counsel for the first respondent refuted the said contention and contended that since the birth certificates-Exs.P.1 to P.3, pertaining to the three children of the petitioner, were issued by the said school, that is necessary to summon the Headmaster of the said school.

9. From the facts narrated above, it is clear that the question whether the petitioner suffered disqualification

under Section 19(3) of the Act is the main issue in the Election O.P. To prove the said allegation, the first respondent had produced Exs.P.1 to P.3 birth certificates of the three children of the petitioner, issued by the ZPSS, Kothapet and Ex.P.6-certificate issued by the Tahsildar. These certificates having been disputed by petitioner, the first respondent is entitled to summon the Headmaster and the Tahsildar to establish the fact that the said certificates were issued by them. The evidentiary value of the said certificates or the evidentiary value of the evidence of the Headmaster of the ZPSS or Tahsildar in that regard is a matter to be considered by the Election Tribunal at the time of disposal of the Election O.P. Therefore, I do not find any merit in the Revision.

10. With the above observations, the Civil Revision Petition is dismissed. There shall be no order as to costs.

The miscellaneous applications pending, if any, in this Civil Revision Petition shall stand closed.

**JUSTICE M.S. RAMACHANDRA
RAO**

Date: 12.06.2015

MVA

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