

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.18642 of 2015

ORDER:

Heard the learned Counsel for the petitioner, learned Counsel for the fifth respondent and learned Government Pleader for respondent Nos.1 to 3.

The petitioner was elected as the President of the fourth respondent Society in the year 2013 and the fifth respondent was the unsuccessful candidate in the said election in respect of Ward No.3. The fifth respondent, who is unsuccessful, filed O.P.No.18 of 2013 challenging the election of the petitioner, and the main ground taken in the said O.P was initiation of surcharge proceedings, which culminated in payment of the amount by the petitioner.

It is submitted by the learned Counsel on either side that the evidence is completed in the O.P and it is coming for arguments on 26.06.2015. At that stage, the petitioner herein filed a memo dated 15.06.2015 to club the election petition and the appeal preferred by the petitioner herein against the surcharge proceedings seeking condonation of delay in M.P.No.73 of 2015 in S.R.No.135 of 2015. The said memo filed in O.P.No.18 of 2013 was returned on 19.06.2015 with the following endorsement:

‘It is to be stated how the respondent No.6 is entitled to seek for clubbing of M.P.No.73/2015 in S.R.No.135/15 with this election O.P.

Since the delay is not at all condoned and the original appeal is not at numbered.”

The same is challenged in the present Writ Petition.

In view of the return of the memo with the above endorsement, this Court is not inclined to admit the present Writ Petition. However, the petitioner is given liberty to resubmit the same with the explanation as the petitioner deems fit.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

25.06.2015
vs