

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION No.1592 OF 2014

ORDER:

This Civil Revision Petition is filed challenging the order dated 28.02.2014 passed in I.A. No.368 of 2013 in Election O.P. No.1 of 2013 on the file of the Election Tribunal-cum-Junior Civil Judge, Peddapali, Karimnagar District.

2. Heard Sri Ram Chander Rao, learned counsel for the petitioner. None appears for the first respondent even though the name of Sri N.M.Krishnaiah is printed in the cause list.

3. The first respondent herein filed the above O.P. questioning the election of the petitioner herein as Sarpanch of Kothapet Gram Panchayat in Velgatoor Mandal, on the ground that the petitioner suffered disqualification under Section 19(3) of the A.P. Panchayat Raj Act, 1994 (for short, 'the Act').

4. Pending the O.P, the petitioner filed I.A. No.368 of 2013 to implead the Stage 1 Returning Officer of the said Gram Panchayat Election by name Ch. Agaiah, who was the Headmaster of the Zilla Parishad High School, Rachapalli.

5. In the affidavit filed in support of the application, it is

stated that the proposed party was the Returning Officer at Stage 1 while the second respondent was the Stage II Returning Officer. He contended that the proposed party is a necessary and proper party to the Election petition.

6. Counter affidavits were filed by the first respondent as well as the proposed party/respondent No.10 opposing the impleadment of respondent No.10. They took the plea that the first respondent had never raised any objection before the Election Authority at any point of time during the election schedule that the petitioner's contention cannot be accepted. Therefore, he is not a necessary or proper party.

7. By order dated 28.02.2014, the Court below allowed the said application.

8. Questioning the same, the petitioner has filed this Revision contending that the proposed party is not a necessary and proper party to the Election O.P.

9. The learned counsel for the petitioner contends that no pleading had been raised against the proposed party/respondent No.10 in the Election petition filed by the first respondent; that the first respondent did not file any written objections before the proposed party, who was the Returning Officer at Stage I, during election schedule; and therefore, the proposed party is not a necessary or proper party to the Election petition.

10. In the O.P, the Returning Officer has been impleaded as the first respondent. Admittedly, the first respondent was the person who declared the result of the election and the proposed party had no role in it. Therefore, the Election Tribunal erred in impleading the proposed party as a party respondent in the election petition. Merely because the proposed party is Stage I Returning Officer, it is not necessary to implead him as a party respondent since admittedly no objection was filed under Section 20(2) of the Act to disqualify the petitioner on the ground that he suffered disqualification under Section 19(3) of the Act at any point of time. No doubt, such a requirement is not mandated by law as held in **Jogi Satyanarayanamma v. Kodi Vijaya Lakshmi and others**^[1]. But, unless some grievance is existing against the proposed party for his role in the election held to the post of Sarpanch, he cannot be unnecessarily impleaded on the ground that no prejudice is caused by his impleadment.

11. In the result, the Civil Revision Petition is allowed and the order dated 28.02.2014 in I.A. No.368 of 2013 in Election O.P. No.1 of 2013, on the file of the Election Tribunal-cum-Junior Civil Judge, Peddapali, Karimnagar District, is hereby set aside. There shall be no order as to costs.

12. Since the Election Petition is of the year 2013, the

Election Tribunal shall expeditiously dispose of the said Election O.P. preferably within a period of six (6) months from the date of receipt of a copy of this order.

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

**JUSTICE M.S. RAMACHANDRA
RAO**

Date: 12.06.2015

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