

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.4720 of 2015

ORDER:

The petitioner herein is first respondent in O.P.No.2 of 2013 on the file of the Court of the Junior Civil Judge-cum-Election Tribunal at Gadwal (for short, trial Court). The first respondent herein filed the said OP challenging the election of the petitioner. He also filed I.A.No.22 of 2015 requesting the trial Court to call for the election material documents, etc., in a sealed box as per Election Laws from the office of the Gram Panchayat/Mandal Praja Parishad Development Officer. The said application was opposed by the petitioner herein by filing a counter stating that the said material was in the safe custody in the District Treasury Office, Mahabubnagar and allowing of the application amounts to allowing the Election Petition without any enquiry.

2. The trial Court allowed I.A.No.22 of 2015, by its order dated 30.09.2015, stating that the petitioner was declared elected with a majority of one vote and there are allegations with regard to process of counting. When an objection was raised by the counsel for respondent No.5 therein (petitioner herein) by relying on a decision of this Court in **Challa Swaroopa v. District Collector (District Election Authority), Khammam District**, it was observed that the said order is not applicable to the facts of the present case. Accordingly, summons were issued to the Mandal Development Officer, Maldakal to produce election material with regard to election of Sarpanch held on 23.07.2013 in a sealed box. Challenging the said order, the present Civil Revision Petition is filed.

3. The learned counsel for petitioner submits that this Court, in earlier decisions, held that without sufficient cause, the recounting of ballot papers should not take place. But, that situation has not yet come and the present application is only for calling for the election material, and by mere summoning

of the election material, it cannot be assumed that the votes are going to be counted. There is no basis for the apprehension on the face of the impugned order.

4. Accordingly, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 03.12.2015

TJMR