

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28657 of 2015

Dated : 04.09.2015

Between:

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Tavanam Ramaswamy Reddy S/o.Late Rami Reddy,
Hindu, Aged about 60 yrs,
Door No.1-24, Challagariga Village,
Atchampet Mandal, Guntur District.

.. Petitioner

And

Gangasani Rami Reddy S/o.Koti Reddy,
Hindu, Aged about 70 yrs, Door No.1-01,
Challagariga Village, Atchampet Mandal,
Guntur District & others.

.. Respondents

This Court made the following :

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ORDER :

The petitioner is elected as Sarpanch of Challagariga Village. His election was challenged in Election O.P.No.8 of 2013 on the file of Election Tribunal of Gram Panchayat-cum-Junior Civil Judge, Sattenapalli, Guntur District.

2. In the said election O.P., the petitioner therein filed I.A.No.136 of 2015 praying to receive the documents. The said I.A., was considered and orders were passed on 14.08.2015. As with reference to the objection raised by the petitioner herein, that the I.A., is not maintainable and that no documents can be received at that stage, the learned Judge, rejected the said objection holding that at that stage, he was only considering receiving of documents and the proof, admissibility, relevancy and marking of the documents would be considered at the appropriate stage. Thus, sufficient protection is granted by the Election Tribunal.

3. In this writ petition the petitioner challenges the said order of Election Tribunal, on the ground that the documents could not be marked at this stage, when the petitioner therein has not filed those documents and has not filed the originals but was sought to bring on record only the Xerox copies.

4. It is settled principle of law that in terms of the rules governing the Election Tribunal, the Election Tribunal is competent to receive documents pending election O.P. [***Tadi Lakshmana Rao Vs Challa Satyanarayana and Others***^[1]]. The Tribunal exercised its discretion and allowed the I.A., filed by the petitioner therein. In exercise of certiorari jurisdiction, against the Tribunal order, this Court cannot sit as appellate Court and interject the said decision.

5. When the Tribunal is vested with power to entertain such application in granting relief in a given case, the same cannot be found

fault with, in judicial review. Furthermore, sufficient protection is granted to the petitioner herein, with reference to all the objections that were raised by him, in the I.A. Thus, I do not see any merit in the writ petition and accordingly it is dismissed. It is needless to observe that the petitioner was given sufficient protection by the Tribunal and therefore, he is entitled to raise all the objections in terms of the order passed by the election Tribunal. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

4th September, 2015
Rds

P.NAVEEN RAO,J

[\[1\]](#) 2010 (4) ALD 316 (DB)