

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.3673 of 2016

ORDER:

This Civil Revision Petition is filed by the Petitioner on the ground that Election O.P.No.01 of 2014 on the file of Election Tribunal-cum-Principal Senior Civil Judge, Rajampet at Kadapa District, which is filed by him, has been pending since long time and not disposed of and in the meanwhile, the tenure of ZPTC Badvel, which is under the challenge, is going to be completed by 2019, in which event, even if the petitioner ultimately succeeds in the EOP, it will be of otious.

Heard Sri Balaji Medamalli, learned counsel for petitioner and Sri J. Sreenivasa Rao, learned counsel for respondent Nos. 1 and 2. Though notice was served on respondent Nos. 3 and 4, there is no appearance on their behalf.

Learned counsel for petitioner would submit that the matter is at the stage of enquiry and the petitioner's side evidence was over and Rws. 1 and 2 were examined on behalf of respondents and the matter is coming up for further evidence of respondents and since long time, the matter is pending and there is no progress. Learned

counsel, cited the judgment of Apex Court in Pukhrem Sharatchandra Singh v. Mairembam Prithviraj @ Prithibiraj Singh¹ and submitted that the Apex Court held that expeditious disposal of election petitions within a period of six months is a requirement. He, thus, prayed to give a direction to the lower Tribunal to dispose of the Election OP expeditiously.

Per contra, learned counsel for Respondent Nos. 1 and 2 would submit that there was absolutely no delay on the part of respondents and in fact, Rws. 1 and 2 were already examined and the matter coming up for further evidence of respondents and therefore, no *mala fides* can be attributed to respondent Nos.1 and 2. However, learned counsel for respondent Nos. 1 and 2 assured that the respondents would cooperate with the Tribunal for early disposal of EOP.

As can be seen from the record, it is an Election Petition filed in the year 2014. In Prithviraj's case(1 supra), the Apex Court reminded the need for early disposal of the election petitions. In that view of the matter and since the election petition is of 2 years old, this Court consider it appropriate to give a direction to the lower Tribunal for expeditious disposal of election petition.

¹ 2015 Law Suit(SC) 906

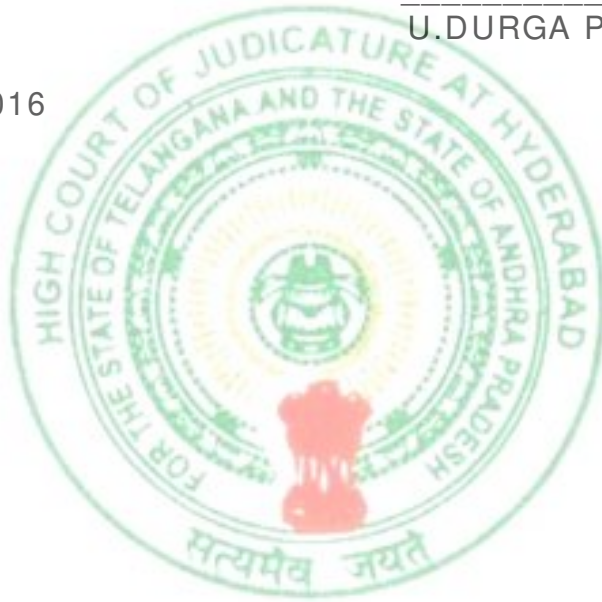
Accordingly, this Civil Revision Petition is allowed and the Lower Tribunal is directed to dispose of E.O.P.No.01 of 2014 expeditiously, not later than three months, from the date of receipt of a copy of this Order.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U.DURGA PRASAD RAO,J

Dt: 25-10-2016

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