

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

-
CIVIL REVISION PETITION No.247 of 2016

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India challenging the dismissal order dated 21.12.2015 passed in I.A.No.582 of 2015 in E.O.P.No.3 of 2014 by the Principal Senior Civil Judge-cum-Election Tribunal Mahabubnagar.

The 1st respondent herein filed the above Election Petition challenging the election of the petitioner herein to the post of M.P.T.C., Gattuippalapally Village. In the said election petition the petitioner herein filed I.A.No.582 of 2015 to frame the issue on the point of "bar of limitation" to file the E.O.P. before the Election Tribunal, as a preliminary issue, on the ground that the results were declared on 13.05.2014 and the election petition was filed on 12.06.2014 and it was barred by time.

A counter affidavit was filed in the I.A by the 1st respondent herein stating that filing of election petition on 12.06.2014 was within the period of 30 days. The I.A was dismissed by the Tribunal on 21.12.2015 holding that the trial of the Election Petition had already taken up and PW.1 has filed the affidavit in lieu of chief examination. It was further stated that in C.R.P.No.4646 of 2015 this Court directed the Tribunal to dispose of the Election Petition by 31.08.2016 and the Tribunal is going ahead with the matter. It was further stated that as per the A.P. Panchayat Raj Rules 1995 the Election Tribunal is vested with limited powers and the provisions of C.P.C are not applicable for disposal of the election petitions except as provided in the Rules. The Tribunal after taking into consideration the decisions rendered in **Kummari Ramulu v. Gangaram Penta Reddy and others**^[1] and **P. Leela Rani v. Agency Divisional Officer**^[2], dismissed the application. Therefore, the present revision petition is filed.

Having regard to the fact that the Tribunal is going ahead with the matter expeditiously pursuant to the direction of this Court in C.R.P.No.4646 of 2015 and in view of the reasons stated in the order dated 21.12.2015, the order passed by the Election Tribunal does not warrant any interference of this Court.

Accordingly, the Civil Revision Petition is dismissed. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J.

5th February, 2016
Js.

[\[1\]](#) 2004 (3) ALD 280

[\[2\]](#) 2002 (6) ALD 251