

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.1664 OF 2016

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ORDER:

This writ petition is filed questioning the order in O.P.No.04 of 2013 dated 08.01.2016 on the file of Election Tribunal-Cum-Junior Civil Judge, Thungathurthy.

In view of the developments which have taken place, it is not necessary for this Court whether to set out the facts or deal with various contentions which have been raised in the writ petition.

On account of the consensus reached by both the parties pursuant to the order of this Court dated 21.01.2016, the learned Junior Civil Judge, Tungathurthi had recounted the votes of respective parties and sent a report to this Court in a sealed cover.

At the request of both the counsel, today the sealed cover has been opened and in terms of the report of the learned Junior Civil Judge dated 27.01.2016, the tally result of the votes is as under :

1. Total votes polled + 1 postal ballot vote : 978
2. Votes polled in favour of K. Nageshwar Rao (Petitioner in O.P.No.4/2013) with Basket symbol : 474
3. Votes polled in favour of K.Ram Murthy (Respondent in O.P.No.4/2013) with Ring symbol : 449
4. Invalid votes : 55

The Tribunal framed the following four issues. Out of them, three issues were substantial in nature, and the fourth issue is of general nature.

1. Whether the petitioner is entitled for declaration has duly elected candidate for the post of Sarpanch of Bikkumalla Grampanchayath.
2. Whether the petitioner is entitled for set a siding the election of Respondent No.1 as Sarpanch of Bikkumalla Gram Panchayath.
3. Whether the petitioner is entitled for recounting of total votes polled for the post of Sarpanch of Bikkumalla Village.

4. To what relief ?

(Reproduced as verbatim)

The learned Judge, while answering issue No.3 came to a conclusion that recounting is warranted. Having come to the said conclusion, the Court had postponed the decision on issue Nos.1 and 2. Now in view of the order of this Court dated 21.01.2016 recounting has already been concluded.

As both the learned counsel had agreed, now the final orders are required to be passed in O.P.No.4 of 2013 by deciding Issue Nos.1 and 2.

Having regard to the above, the writ petition is allowed and the matter is remitted back to enable the learned Judge, Tungathurthi, to hear both the parties and pass appropriate orders in O.P.No.4 of 2013. It is made clear that the respective parties are entitled to make their submissions, if any, in accordance with law. No order as to costs.

In view of disposal of the main writ petition, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

Challa Kodanda Ram, J

10th June, 2016.

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THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.1664 OF 2016

Dated : 10.06.2016

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