

**HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN**

**Civil Revision Petition No.5624 of 2016**

**ORDER:**

Aggrieved by the dismissal of an application to strike off the pleadings in an Election Petition, the candidate who was successful in the Gram Panchayat elections has come up with the present revision.

2. Heard Sri Narasimha Rao Gudiseva, learned counsel for the petitioner and Sri Raja Reddy Koneti, learned counsel for the 1<sup>st</sup> respondent.

3. The election of the petitioner herein as Sarpanch of Gram Panchayat in the elections held on 27-07-2013, has become the subject matter of the Election Petition in E.P.No.3 of 2013. In the said petition, the present revision petitioner was the 1<sup>st</sup> respondent, as he was the successful candidate. Upon service of notice in the Election O.P., the petitioner filed an application in I.A.No.159 of 2014 for striking off the pleadings. The ground on which he sought to have the pleadings struck off, was that there was no bar for the voters to vote in the elections of two Panchayats.

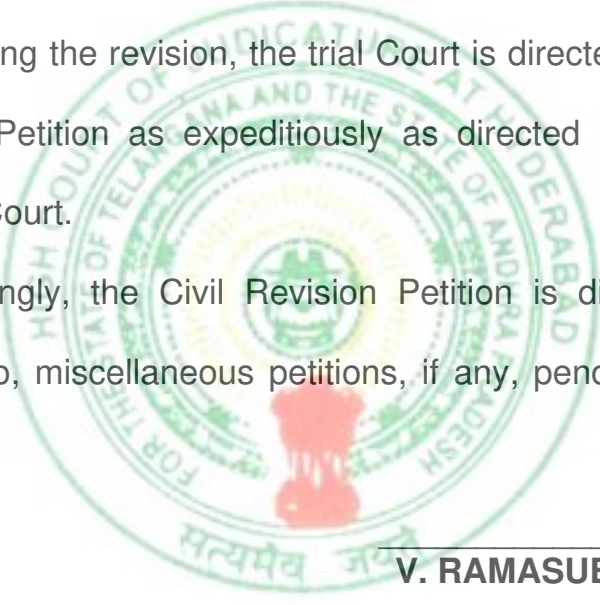
4. But the Election Tribunal dismissed the application for striking off the pleadings, on the ground that it had no power to strike off the pleadings. Therefore, the petitioner is before the Court.

5. The power of the Election Tribunal is to strike off the pleadings is well settled and the Court below was wrong in thinking that there is no such power.

6. But the case on hand does not fall within the parameters where the pleadings could be struck off. The pleadings revolving around an issue of controversy cannot be struck off. At the most the question whether a voter can vote in two Panchayats or not, could be a matter of controversy and the same cannot be decided at the stage of application for striking off the pleadings. Therefore, the trial Court was right in dismissing the application.

7. The tenure of the petitioner is only for 5 years. Out of the said tenure a period of 3 ½ years has now gone. Therefore, even while dismissing the revision, the trial Court is directed to dispose of the Election Petition as expeditiously as directed in the previous order of this Court.

Accordingly, the Civil Revision Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.



**V. RAMASUBRAMANIAN, J**

Date: 16-12-2016

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