

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Writ Petition No.19173 of 2011

Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The matter has been referred to the Division Bench by a learned Single Judge, by order dated 28.7.2011, as to whether the ratio in **Prakash Khandre vs. Dr. Vijay Kumar Khandre**¹ can be applied to cases arising under the Andhra Pradesh Panchayat Raj (Election Tribunals in respect of Gram Panchayats, Mandal Parishads and Zilla Parishads) Rules, 1995 (for short 'the Rules').

The order under challenge in the writ petition is the order passed by the Election Tribunal in O.P. No. 5 of 2006 dated 29.6.2011 declaring the election of the petitioner herein, to the post of Sarpanch of the Gram Panchayat, as void; and to consequently declare the 1st respondent herein as the elected Sarpanch.

The elections to Gram Panchayats were held in the year 2006, and the term of the Office of the 1st respondent as a Sarpanch expired in the year 2011. Thereafter fresh elections were held and a new body has taken charge.

As the cause in the writ petition does not survive, suffice it to leave the question referred to the Division Bench open to be adjudicated in appropriate legal proceedings. The writ petition is, however, dismissed as infructuous. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A. SHANKAR NARAYANA, J)

23rd November, 2016
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¹ (2002) 5 SCC 568

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