

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CIVIL REVISION PETITION No.2398 of 2017

ORDER:

The petitioner herein filed E.O.P.No.1 of 2013 on the file of the Junior Civil Judge, Kanigiri, Prakasam District for setting aside the election of respondent No.1 herein and recount the entire votes polled for the post of Sarpanch of Botlagudur Gram Pnchayat and to declare the 79 invalid votes as valid votes and count them. The trial was concluded and at the fag end of the case, the petitioner filed I.A.No.603 of 2016 for recounting the valid votes and to examine the legality of invalidating 79 valid votes cast in his favour. Respondent No.1 herein filed a counter opposing the application. The trial Court dismissed the application by order, dated 10.08.2016, without assigning reasons. Aggrieved by the same, the petitioner filed C.R.P.No.4263 of 2016. This Court by order, dated 25.11.2016, allowed the C.R.P. and remanded the matter to the trial Court for consideration afresh and passing a reasoned order. After remand, the trial Court again dismissed the application by order, dated 14.03.2017, holding that the Mandal Panchayath Development Officer was examined as R-3 and the application cannot be allowed without opening the sealed cover produced by him.

A perusal of the affidavit filed in support of the application does not disclose any valid ground for ordering recount of the votes and this Court feels that the order passed by the trial Court is correct in law. However, after opening the sealed cover during the course of arguments, it is open to the petitioner to bring it to the notice of the Court if there is any justification for recount and file an appropriate application based on the available votes.

The civil revision petition is accordingly dismissed.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

Dt:09.06.2017

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A.RAMALINGESWARA RAO,J