

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

ELECTION APPLICATION No.296 of 2017

IN

ELECTION PETITION No.1 of 2014

And

ELECTION PETITION No.1 of 2014

COMMON ORDER :

Election Petition No.1 of 2014 has been filed by the petitioner herein challenging the election of the 5th respondent as Member of the Legislative Assembly 99-Ghanpur (Stn), SC, LAC/Assembly Constituency, Warangal District in the General Elections held on 30-04-2014, results of which were declared on 16-05-2014.

2. Subsequently, E.A.No.296 of 2017 has been filed by the Election petitioner declaring his intention to withdraw the Election Petition asserting that the said act is not the result of any inducement or coercion. The said application was filed under Section 109 of the Representation of People Act, 1951 (for short "the Act").

3. On 03-04-2017, this Court, after hearing Sri V.Ravinder Rao, learned Senior counsel appearing for Sri J.Sai Krishna, learned counsel for Election petitioner, Sri K.Ravinder Reddy, learned counsel for 5th respondent and Sri S.Sarath Kumar, learned Special Government Pleader appearing for 1st respondent, directed publication of notice of this application in the official gazette as mandated by sub-Section (2) of Section 109 of the Act on or before 17-04-2017.

4. The notification was then published in the Telangana Gazette No.19 dt.19-04-2017 by the Chief Electoral Officer & E.O. Spl. Chief Secretary to the Government.

5. No person has come forward to object to withdraw of E.A.No.296 of 2017 and requesting that he be substituted in the place of Election petitioner, who is withdrawing the Election Petition.

6. After perusing the affidavit filed in support of E.A.No.296 of 2017, I am satisfied that filing of the said application was not induced by any bargain or consideration which ought not to be allowed.

7. Therefore, E.A.No.296 of 2017 is allowed and Election Petition is dismissed with costs of 1,000/- (Rupees One Thousand only) to be paid by the petitioner to the 5th respondent within eight (08) weeks from today.

8. Copy of this order be communicated to the Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110001.

9. As a sequel, miscellaneous application, if any pending in this Election Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 02-06-2017

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