

**HON'BLE THE CHIEF JUSTICE
THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.39608 OF 2018

ORDER (ORAL): (Per Hon'ble The Chief Justice Thottathil B. Radhakrishnan)

Heard Sri Ambati Sreekanth Reddy, learned counsel for the petitioner and Sri Avinash Desai, learned Standing Counsel for the Election Commission of India.

2. The petitioner impugns the proceedings of the first respondent, Election Commission of India, by which he stands disqualified from 13.04.2017 to 13.04.2020. Such disqualification was for non-compliance of Section 78 of the Representation of People Act, 1951, hereinafter referred to as 'RP Act'. The petitioner challenges such disqualification only when the list of disqualified persons under Section 10A of the RP Act has been issued. At this point of time, in November 2018, we are unable to see that there was any reason for the petitioner to wait so long to challenge his disqualification. The plea now raised that the petitioner came to know about the disqualification only from newspaper report and then, on enquiry, it appears that notice was served on some other person, is not worthy enough to be considered for acceptance in discretionary writ jurisdiction at this distance of time.

3. The process of election and prescriptions therewith have to be rigorously and vigorously pursued by all concerned to ensure that the elective process and the actions that would follow ought to end in a timely mode. We are not inclined to entertain this writ petition filed on 31.10.2018 merely on the premise that a decision disqualifying him from 13.04.2017; more than 1½ years after handing down of such decision as to disqualification on the

ground of non-filing of returns of election expenses before the competent authority.

3. The writ petition, therefore, fails and is dismissed. No order as to costs.

As a sequel, miscellaneous petitions, if any pending, stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

November 2, 2018
MRR

