

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT PETITION No. 44942 OF 2018

Order : (Per The Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

Petitioner complains in this Writ Petition of wrongful expulsion of his name from the voters list. He tries to pit the relief on the premise of Articles 14, 19(1)(a) and 21 of the Constitution of India, and pleads that the result of the election in relation to Khammam Assembly Constituency, should not be declared. He also seeks award of compensation for not being able to vote.

2. Hearing the learned counsel for the petitioner and the learned Standing Counsel for the Election Commission of India, the first factor to be recorded is that the results of elections have been declared yesterday. The resultant situation emanating there from as well as any challenge against the results, including also on lawful grounds referable to voters list, are matters within the domain of the Election Tribunal in terms of the Representation of the People Act, 1951. We do not see that there is any Constitutional right, which can be pressed into service to alleged breach of the right to vote, particularly when the petitioner has not pleaded of having been vigilantly pursuing the question whether his name continued to be in the voters list at the relevant points of time. Since the special summary revision with the qualifying date as 1.1.2019 is going ahead, now it will be open to the petitioner to seek appropriate rectification of the voters list as far as his eligibility is concerned, if he is entitled to such relief.

3. Preserving such right, this Writ Petition is dismissed.

4. As a sequel thereto, miscellaneous applications, if any, pending in the Writ Petition shall stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

12th December, 2018.

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