

**HONOURABLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.1361 OF 2019

ORDER: (ORAL) (Per Hon'ble Sri Justice A. Rajasheker Reddy)

This Writ Petition is filed praying to declare the action of respondent Nos.1 to 4 in not taking action on respondent No.5 under the provisions of Representation of the People Act, 1951 (for short 'Act'), as illegal, arbitrary and violative of the rights guaranteed by Constitution of India and consequently to declare him as an ineligible member under the Act.

2. Heard learned counsel for the petitioner, learned Standing Counsel for Election Commission of India, learned Standing Counsel for State Election Commission and learned Government Pleader for Revenue, and perused the material on record.

3. Even according to the petitioner, respondent No.5 lost the elections and the writ petition filed by him is for taking action against respondent No.5 by cancelling the nomination filed by respondent No.5 and stopping him from contesting elections as he has admitted dues to the income tax department. Once respondent No.5 lost the elections, the question of cancelling his nomination, at this stage, does not arise. Even otherwise, even if respondent No.5 won the elections, since it is an election dispute, the petitioner has to avail the remedy under the provisions of the Act.

4. In view of the above, we do not see any merit in this writ petition.

5. The Writ Petition fails and is dismissed, at the admission stage itself. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any pending, in the writ petition stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

A. RAJASHEKER REDDY, J

January 29, 2019.

PV