

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.1444 OF 2019

ORDER

The petitioner is a contestant in the election scheduled to be held on 30.01.2019 for the post of 5th Ward Member of Chervugattu Village Gram Panchayat, Narkatpally Mandal, Nalgonda District. It is the case of the petitioner that the 8th respondent, who is also a contestant for the said post, submitted a self-declaration without signing the same and therefore, her nomination ought not to have been accepted. Reliance in this regard is placed on an uploaded copy of the affidavit filed by the candidate, which is stated to have been placed online on 22.01.2019.

It may be noted that as per the election schedule notified under Annexure-I to the Election Notification dated 01.01.2019, scrutiny of nominations was undertaken for the subject post on 19.01.2019 up to 5.00 P.M. and the list of validly nominated candidates was displayed on the said date after 5.00 P.M.

Mr.Priyanka Singh, learned counsel representing Mr.P.Sudheer Rao, learned counsel for the Telangana State Election Commission, would state that unless the self-declaration affidavit was duly signed by the candidate, the Returning Officer would not have accepted the nomination. She would therefore submit that there is a possibility of some lapse having been committed while uploading the same.

In the light of the law laid down by the Supreme Court in **N.P.PONNUSWAMI V/s. RETURNING OFFICER, NAMAKKAL CONSTITUENCY, NAMAKKAL, SALEM DISTRICT¹** and later decisions, it would not be open to this Court to interfere in electoral matters after

¹ AIR 1952 SC 64

issuance of the Election Notification unless such interference would have the effect of aiding the progress of the election and would not result in obstructing it.

In the case on hand, the 8th respondent is not before this Court and interference by this Court, if any, at the behest of the petitioner behind her back would result in her elimination from the fray in the ensuing election, thereby resulting in the petitioner being the sole candidate for the post in question. Such interference therefore cannot be said to be in the aid of the progress of the election but would be wholly for the benefit of the petitioner.

In that view of the matter, the writ petition is liable to be dismissed and is accordingly so dismissed. This order shall however not preclude the petitioner from invoking appropriate remedies available to her in law in the event the 8th respondent is elected.

Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

25th JANUARY, 2019

Sv

SANJAY KUMAR, J