

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.1583 OF 2019

O R D E R:

1 The grievance of the petitioner is with regard to the declaration of the 5th respondent as the elected Sarpanch of Chaparalapally Gram Panchayat, Mulakalapalli Mandal, Bhadradi Kothagudem District, and the refusal of the Returning Officer, Chaparalapally Gram Panchayat, to receive her representation dated 22.01.2019.

2 It is an admitted fact that the subject election was held on 21.01.2019. As per the election schedule notified in Annexure-I to the Election Notification dated 01.01.2019, the counting of votes was to be undertaken on the date of the poll, viz., 21.01.2019, from 2.00 PM onwards, after completion of the polling at 1.00 PM. The result was to be declared soon after completion of the counting of votes. In the light of this schedule, it was not open to the petitioner to submit a representation for recounting of votes one day later.

3 Further, in the light of the law laid down by the Supreme Court in **N.P. Ponnuswami vs. Returning Officer, Nammakkal Constituency, Nammakkal, Salem District**¹ and later decisions, it would not be open to this Court to interfere with electoral matters after the issuance of the Election Notification.

4 The Writ Petition is accordingly dismissed. This order shall however not preclude the petitioner from taking recourse to remedies available to her in law before the proper forum in accordance with the due procedure.

5 Pending Miscellaneous Petitions, if any, shall also stand dismissed.
No order as to costs.

JUSTICE SANJAY KUMAR

30th January, 2019
Kvsn

¹ AIR 1952 SC 64