

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.1652 OF 2019

O R D E R:

1 The prayer of the petitioner in this case reads as under:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon’ble Court may be pleased to issue a Writ of Mandamus declaring the action of the respondents in not taking steps for the deletion of the names of the 6th to 13th respondents from the list of voters of the village Gudimalkapur Gram Panchayat, Suryapet district from preventing them from polling and exercising dual votes, having names in Dorakuntla village voter list too, being as arbitrary, illegal, irregular, unjustified, unconstitutional, contrary to the democratic and fundamental rights, and unsustainable and consequently direct the respondents to take steps in preventing the 6th 14th respondents from casting the dual votes in ensuing coming elections of Gudimalkapur Gram Panchayat to be held on 30.01.2019 and pass such other order or orders as this Hon’ble court deems fit and proper in the circumstances of the case.”

2 The grievance of the petitioner is that respondent Nos.6 to 13 are provided with dual votes as they figure in the electoral rolls of Dorakuntla Village as well as Gudimalkapur Village. As per the election schedule notified in Annexure – I to the Election Notification dated 01.01.2019, ward-wise electoral rolls of Gudimalkapur Gram Panchayat would have been displayed on 16.01.2019. The election to the said Gram Panchayat is scheduled to be held today. It is therefore clear that there is unexplained delay on the part of the petitioner in raising his grievance with regard to the dual franchise allegedly being exercised by respondent Nos.6 to 13. In any event, as per 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 is not open to this Court to interfere in electoral matters after issuance of the Election Notification when such interference would not aid the process of the election.

3 The Writ Petition is accordingly dismissed on this short ground. This order shall however not preclude the petitioner from taking recourse to

¹ AIR 1952 SC 64

remedies available to him in law in accordance with the due procedure, if he so chooses.

4 Pending Miscellaneous Petitions, if any, shall also stand dismissed.

No order as to costs.

JUSTICE SANJAY KUMAR

30th January, 2019
Kvsn