

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.2099 OF 2019

ORDER

The petitioner is the defeated candidate who contested the election held on 25.01.2019 to the post of Sarpanch, Uyyalavada Gram Panchayat, Dornakal Mandal, Mahabubabad District. Her grievance in this writ petition is that the Returning Officer did not consider her objections in relation to improper acceptance of invalid votes. It appears that the petitioner made representations in this regard on 27.01.2019 and 28.01.2019 seeking inspection of the ballot boxes and recount of votes afresh.

Learned Assistant Government Pleader for Panchayat Raj, State of Telangana, would inform this Court that a recount was actually undertaken by the Returning Officer at the request of the petitioner. He would place before this Court a copy of the letter dated 29.01.2019 addressed by the District Panchayat Officer and Additional District Election Authority, Mahabubabad, to his office, wherein the District Panchayat Officer stated that at the request of the petitioner who was defeated by the sixth respondent with a margin of three votes, a recount was undertaken and the margin was reduced to two votes. According to him, the rejected votes increased from 15 to 18. As per the Election Certificate issued, the elected candidate secured 622 votes while the petitioner secured 620 votes and the third candidate secured 82 votes. Invalid votes were 18 while NOTA votes were 3 in number. The District Panchayat Officer further stated that the petitioner requested for recounting once again but the said request was rejected.

In terms of Rule 60 of the Telangana Panchayat Raj (Conduct of Elections) Rules, 2018, recount of votes is to be undertaken only once.

In that view of the matter, this Court finds no illegality in the election authorities refusing to undertake a second recount.

The writ petition is accordingly dismissed on this short ground. This order shall however not preclude the petitioner from invoking appropriate remedies available to her in accordance with the due procedure before the competent form, if she so chooses.

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

SANJAY KUMAR, J

4th FEBRUARY, 2019

**Note: Issue C.C. tomorrow.
B/o Svv**