

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.2125 OF 2019

ORDER

The petitioner is a defeated candidate in the election held on 25.01.2019 to the post of Sarpanch of Muddanur Gram Panchayat, Thallada Mandal, Khammam District. The petitioner lost to the eighth respondent by a margin of six votes. By way of this writ petition, she seeks a direction to the District Panchayat Officer, Khammam, to undertake recounting of votes.

Admittedly, the petitioner did not make any written representation in this regard, be it on the date of the election or later.

Rules 59 and 60 of the Telangana Panchayat Raj (Conduct of Elections) Rules, 2018 are relevant for the purposes of this case. Rule 59 states that after counting of all ballot papers contained in all the ballot boxes, the Returning Officer should make the entries in a result sheet in Form-XXVI and announce the particulars. Rule 60(1) deals with recount of votes and provides that after such announcement has been made under Rule 59, a candidate may apply in writing to the Returning Officer for recounting of the votes. Rule 60(2) provides that upon such an application being made, the Returning Officer should decide the matter and may either allow the application in whole or in part or reject it wholly if it appears to him to be frivolous or unreasonable. Rule 60(3) mandates that every decision of the Returning Officer under Rule 60(2) should be in writing and contain the reasons therefor.

This being the statutory scheme, this Court finds it difficult to comprehend how the petitioner was satisfied with making a mere oral request to the Returning Officer to undertake recounting of votes. When

the procedure prescribed under the Rules required submission of a request in writing by the petitioner for recount of votes, it is not open to the petitioner to state that she made a request in this regard orally but there was inaction on the part of the election authorities.

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

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

4th FEBRUARY, 2019

Sv

SANJAY KUMAR, J