

S.K. Mahaboob Bee (Smt.) And Ors. vs State Election Commissioner And Ors. on 12 August, 1996

Equivalent citations: 1998(4)ALT16(SC), (2000)10SCC512, AIRONLINE 1996 SC 160, (1998) 4 ANDH LT 16, 2000 (10) SCC 512, (2001) 4 REC CIV R 698, (2002) 1 LAB LN 1121, (2002) 1 PUN LR 288, (2002) 2 SCT 847

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Bench: K. Ramaswamy

ORDER

Mr. K. Ramaswamy, J.

1. Leave granted.

2. We have heard learned Counsel on both sides.

3. The admitted position is that the election to the office of the Sarpanch of Mangalagiripadu Gram Panchayat, Guntur District reserved for women was held on June 27, 1995. It would appear that there was some irregularity in counting. Therefore, writ petition came to be filed in the first instance and direction was given for recounting by the High Court. Pursuant thereto, the recounting was done in which the appellant secured 513 while Smt. Khasim Bee, 4th respondent secured 510 votes. Consequently the appellant was declared to have been elected. The second writ petition came to be filed which was allowed in the impugned order dated December 19, 1995. Several contentions have been raised in the writ petition as regards the validity of the recounting as some of the votes were declared invalid. Since statutory remedy of filing the election petition has been provided it would be appropriate that Tribunal goes into the legality or otherwise of the declaration of some votes as invalid and of recounting as alleged in this case. Under these circumstances, we decline to interfere with the result of the declaration. However, the 4th respondent is given time to file within 30 days from today election petition before the Election Tribunal. The judgment of the High Court stands reversed and the writ petition dismissed.

4. The appeals are disposed of accordingly. No costs.