
(2010) 12 SC CK 0070

In the Supreme Court Of India

Case No : Civil Appeal No. 10244 of 2010

Election Commission of India

APPELLANT

Vs

Telangana Rastra Samithi and Another

RESPONDENT

Date of Decision : 08-12-2010

Acts Referred:

Representation of the People Act, 1951 — Section 151A

Citation : (2010) 12 SC CK 0070

Hon'ble Judges : Altamas Kabir, J;A. K. Patnaik, J

Bench : Division Bench

Advocate : Meenakshi Arora and Poli Katakai, for the Appellant; Indira Jaising ASG, D. Ramakrishna Reddy Sonam Anand, J. Ramachander Rao, P. Venkat Reddy, B. Ramamurthy and Anil Kumar Tandale, for the Respondent

Final Decision : Allowed

Judgement

Altamas Kabir, J.—On 3rd December, 2010, when judgment had been delivered in the Civil Appeal arising out of SLP(C) No. 20590 of 2010, it had been brought to our notice by Ms. Meenakshi Arora, learned Counsel for the Election Commission of India, that elections to the 28-Vemulawada and 29-Sircilla Assembly Constituencies in the State of Andhra Pradesh had already been held on 27th July, 2010. In fact, at the time when notice was issued on the SLP on 22nd July, 2010, it had been brought to our notice that the elections to the said two Constituencies had already been notified and were scheduled to be held on 27th July, 2010.

2. Accordingly, while issuing notice, we had confined the same only to the question relating to the interpretation of Section 151A of the Representation of the People Act, 1951, with regard to the holding of elections in a vacancy within six months from the date of such vacancy where an election petition is pending. We had already made it clear that the pendency of the SLP would not affect the elections, which had already been notified and were scheduled to be held on 27th July, 2010. The Civil Appeal was, therefore, heard only on the question of

interpretation of Section 151A of the aforesaid Act.

3. It is, therefore, clarified that although, we had allowed and set aside the order of the High Court on account of the interpretation of Section 151A of the 1951 Act, read with Article 190(3)(b) of the Constitution, the same will not affect the bye-elections already held in respect of the two above-mentioned Assembly Constituencies held on 27th July, 2010.