
(2000) 08 SC CK 0124

In the Supreme Court Of India

Case No : Civil Appeal No: 4697 of 2000

G. Krishnamoorthy and Others

APPELLANT

Vs

S.N.D.P. Yogam and Others

RESPONDENT

Date of Decision : 21-08-2000

Acts Referred:

Constitution of India Art 136

Citation : (2000) 87 FLR 681 : (2000) 1 JT 222 Supp : (2001) 1 LLJ 595 :
(2010) 4 SCALE 483 : (2001) 10 SCC 530 : (2001) 1 UPLBEC 67

Hon'ble Judges : Y. K. Sabharwal, J;S. P. Bharucha, J;Ruma Pal, J

Bench : Full Bench

Final Decision : Allowed

Judgement

S.P. Bharucha,; Y.K. Sabharwal and; Ruma Pal, JJ.-Leave granted.

2. The order under challenge was passed by a Division Bench of the High Court of Kerala. It noted that, by an earlier order of 17-2-2000, two Commissioners had been appointed for the purposes of conducting the election of the office-bearers of the first respondent and that they were to finalise the voters' list after inviting objections. The Commissioners had filed reports and had found irregularities and inconsistencies for which they had proposed solutions. The Division Bench noted that the term of the existing office-bearers had been completed. It felt that it was, therefore, necessary that the election should not be indefinitely postponed. It observed that there might "creep in some mistakes in the preparation of the electoral roll or voters' list. But if one waits till all the mistakes are removed, it would not be possible to conduct the election.... If the argument of the respondents is accepted now, the election will have to be conducted without the representatives of many sakhas or in the alternative, the election of the office-bearers will have to be postponed till the sakhas elected new representatives".

The High Court, therefore, came to the conclusion that it was necessary to complete the election and to leave for consideration the matter of the objections

to a time subsequent to the elections.

3. The order of the High Court does not state who is to consider the objections after the elections are over. It does not order that the declaration of the results of the elections shall be subject to the consideration of such objections. All this should have been contained in the order.

4. We think, therefore, that the order under challenge must be set aside and the proceedings (CMP No. 6001 of 2000 in OP No. 31854 of 1999) should be restored to the file of the High Court to be heard and considered afresh. It shall be open to the High Court, having heard learned counsel on either side, to decide the matter of the objections at this stage or to defer the same till the stage of the final hearing. In the latter event, the High Court shall expressly state that the results of the elections may be declared, subject to such final consideration.

5. The civil appeal is allowed accordingly.

6. No order as to costs.