
(2004) 04 AP CK 0105
In the Andhra Pradesh High Court
Case No : Writ Petition No. 6966 of 2004

K. Ramulu

APPELLANT

Vs

Returning Officer, 190-Kalvakurthi Assembly Constituency
and Others

RESPONDENT

Date of Decision : 13-04-2004

Acts Referred:

Citation : (2004) 3 ALD 857

Hon'ble Judges : Devinder Gupta, C.J.;G. Rohini, J

Bench : Division Bench

Advocate : A. Tulsi Raj Gokul, for the Appellant; Government Pleader for Revenue, for the Respondent

Final Decision : Dismissed

Judgement

Devinder Gupta, C.J.—The grievance of the petitioner is that on 5-4-2004, he was allotted the symbol of "Bell to be used by him as an independent candidate for the Andhra Pradesh Legislative Assembly Elections for Ward No. 190, Kalvakurthi Assembly Constituency. But abruptly the said, symbol was withdrawn by the first respondent on 7-4-2004 and instead, the symbol of "aeroplane" was allotted.

2. The learned Counsel for the petitioner submits that after allotment of the Bell Symbol, the petitioner had projected the said symbol before the public as his election symbol and the action of the respondents in substituting the said symbol with that of "aeroplane" is without opportunity to the petitioner, which is in violation of the principles of natural justice. The learned Counsel further Submits that the petitioner had incurred expenditure also for getting the pamphlets and posters printed with the Bell symbol.

3. Having heard the learned Counsel for the petitioner, we find that the Bell symbol is not a free symbol as per the notification issued on 22-3-2004 and published on 24-3-2004. The respondents submit that the petitioner requested

the respondents for drawings of the symbols for choosing the symbol and that due to non availability of the drawings of symbols, the respondents downloaded the drawings of symbols from the Election Commission's website and gave them to the petitioner. Based upon the drawings downloaded, the Bell symbol was allotted to the petitioner and subsequently it was found that the said symbol is not an approved free symbol After realizing the mistake that the Bell symbol is not a free symbol, the Respondent No. 1 passed orders in accordance with law and allotted the symbol of "aeroplane" to the petitioner. As per the expenditure statement furnished by the petitioner on 8th April, 2004, no expenditure was incurred on printing pamphlets, posters etc., with the Bell symbol.

4. In view of what has been stated above, there is hardly any ground to interfere in this matter. Since the Respondent No. 1 has allotted a free symbol to the petitioner instead of the symbol chosen by him, which is not a free symbol, the action of the respondents cannot be faulted.

5. The writ petition fails and it is accordingly dismissed.