

(2005) 02 KAR CK 0081

In the Karnataka High Court

Case No : Writ Petition No's. 7233 and 7234 of 2005

K.M. Narayanappa and Another

APPELLANT

Vs

The Deputy Commissioner and Others

RESPONDENT

Date of Decision : 16-02-2005

Acts Referred:

Citation : (2005) 4 KarLJ 75 : (2005) 1 KCCR 695

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : R.A. Shiraguppi, for the Appellant; T.A. Ramachandraiah, High Court Government Pleader for Respondents-1 and 2, for the Respondent

Judgement

V. Gopala Gowda, J.—In view of the prayers sought, these writ petitions can be disposed of at the preliminary hearing stage itself, Hence, Sri T.A. Ramachandraiah, learned High Court Government Pleader is directed to take notice on behalf of the respondents.

2. Heard the learned Counsels for the parties.

3. The grievance of the petitioners is that their names are not found in the voters list and even though they submitted applications to include their names, no action is taken, thereby their statutory right to participate in the election is deprived. Hence, these writ petitions are filed praying to: (1) direct the 2nd respondent to include their names in the voters list for the year 2005; and (2) direct the 3rd respondent to accept the nomination papers of the petitioners and permit them to participate in the election of Gram Panchayat.

4. So far as the first prayer is concerned, petitioners have produced Annexure-F and G, which are the acknowledgements in proof of filing applications in Form 6 on 30-9-2004. Non-consideration of the same is wrong. Hence, the 2nd respondent is hereby, directed to consider the same for inclusion of the petitioners in the voters list.

5. Insofar as the second prayer is concerned, unless the names of the petitioners are included in the voters list, direction cannot be issued to the 3rd respondent to accept their nominations and to permit them to participate in the election.

6. In the grounds for interim prayers it is stated that the last date for filing nominations is today (16-2-2005) and the elections are scheduled on 25th and 27th February, 2005. The petitioners should have approached this Court much earlier. At this juncture it is not proper to direct acceptance of their nominations, especially in the absence of their names in the voters list.

7. Writ petitions are disposed of as above.

8. Learned High Court Government Pleader is permitted to file memo of appearance in two weeks.