

(1978) 03 SC CK 0010
In the Supreme Court Of India
Case No : Election Petition No. 2 of 1977

Madan Lal "Dhartipakar"

APPELLANT

Vs

Shri Neelam Sanjeeva Reddy and Others

RESPONDENT

Date of Decision : 09-03-1978

Acts Referred:

Presidential and Vice Presidential Elections (Amendment) Act, 1977 — Section 13(a)
Presidential and Vice-Presidential Elections Act, 1952 — Section 5B(1)

Citation : AIR 1978 SC 802 : (1978) 2 SCC 348 : (1978) 3 SCR 465 : (1978) 10 UJ 275

Hon'ble Judges : V. D. Tulzapurkar, J; R. S. Sarkaria, J; P. S. Kailasam, J; N. L. Untwalia, J; Jaswant Singh, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

1. This is a petition filed by Shri Madan Lal 'Dharti-pakar' on August 19, 1977 under the Presidential and Vice-Presidential Election Act, challenging the election of Shri Neelam Sanjeeva Reddy as President of India at the Presidential Election held on July 19, 1977.

2. The petitioner filed a nomination paper on July 5, 1977 but that nomination paper was rejected by the Returning Officer because- as he admits-it was not subscribed by any elector as proposer or as seconder. He had thus admittedly not complied with the requirements of Section 5B(1) of the Act. The petitioner has, however, detailed reasons why he could not find any elector to propose or second his nomination papers.

3. When the case came up before us today, the petitioner requested that the hearing of the Petition be postponed till after the coming Summer Vacation. We explained to him that we did not see any sufficient reason to accede to his request. The adjournment was declined.

4. The petitioner then argued at length urging that the petition should be

referred to a larger Bench for decision. We have fully heard and considered all that he had to say in this connection, and we are not persuaded to accede to his request.

5. Since there was no compliance with the requirements of Section 5B(1) of the Act (No. 31 of 1952), the petitioner was not a duly nominated 'candidate' within the meaning of Section 13(a) of the Presidential and Vice Presidential Elections (Amendment) Act, 1977, and, as such, has no locus standi to maintain this petition; (vide Election Petition No. 1 of 1974 decided by this Court on October 14, 1974).

6. Accordingly we dismiss the petition, but without any order as to costs.