
(2004) 03 AP CK 0030
In the Andhra Pradesh High Court
Case No : CRP No. 1340 of 2004

Pragnapuram Indira

APPELLANT

Vs

Akkinapally Parvathamma and Others

RESPONDENT

Date of Decision : 17-03-2004

Acts Referred:

Andhra Pradesh Election Tribunals in Respect of Grampanchyats, Mandal Parishads and Zilla Parishads Rules, 1995 — Rule 3, 4, 6

Citation : (2004) 3 ALD 38

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : P. Jagadish Chandra Prasad, for the Appellant; B. Venkata Rama Rao, for the Respondent

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J.—In the elections held on 17.8.2001 to the Gram Panchayat of Narketpalli Village, the petitioner, Respondents 1, 2 and 3 and others contested for the office of Sarpanch. The Respondent No. 3 was elected as Sarpanch. Challenging her election, the Respondents 1 and 2 filed O.P. No. 8 of 2001 on the file of the Election Tribunal-cum-Junior Civil Judge at Nalgonda. The trial of the O.P. is in progress.

2. The petitioner herein filed IA No. 1143 of 2001 to get herself impleaded as Respondent No. 7 to the O.P. The Tribunal rejected the same through its order, dated 4.4.2002. Hence, this revision.

3. Sri P. Jagadesh Chandra Prasad, learned Counsel for the petitioner submits that there is nothing in law, which prohibits impleading of one of the candidates in an election petition and in fact, the petitioner wanted to support the claim of the Respondents 1 and 2 who figured as the election petitioners. He submits that the Respondents 1 and 2 themselves ought to have impleaded the petitioner as one of the respondents and no prejudice as such would be caused to any parties, if the petitioner herein is impleaded as Respondent No. 7 in the said O.P.

4. Sri B. Venkatarama Rao, learned Counsel for the third respondent, who alone is contesting the matter submits that the necessity to implead all the contestants in an election petition would arise, only, if the petitioner therein seeks the relief to declare him or her as elected, in addition to setting aside the election of the returned candidate. He contends that since the Respondents 1 and 2 did not seek such a relief, there was no necessity to implead the petitioner herein. He contends that the LA. is barred by Rules 4, 5 and 6 of the A.P. Election Tribunals in respect of Gram Panchayats, Mandal Parishads and Zilla Parishads Rules, 1995 (hereinafter referred to as the Rules).

5. The controversy in this revision is very narrow. The petitioner was one of the contestants in the election, along with the Respondents 1, 2 and 3 and others. The third respondent was elected. The petitioner did not choose to challenge the election of the elected candidate. It is only the Respondents 1 and 2, who filed the O.P. Had the Respondents 1 and 2 sought for the relief of declaring any one of them as elected, the necessity to implead all the contestants would have arisen, as contemplated under Rule 4(ii) of the Rules.

6. The Rules are not oblivious to a situation where all the interested parties can come on record. Rule-6 of the Rules mandates that the Tribunal shall cause a copy of the petition to be served on the respondents as well as the executive authorities of the Gram Panchayats, Mandal Parishads and Zilla Parishads concerned and the election authority. The copies of the petition are required to be affixed on the notice boards of the Tribunal as well in the offices of the Gram Panchayats, Mandal Parishads and Zilla Parishads. Any candidate who contested in the election is entitled to join as one of the respondents, within 14 days from the date of such publication, by paying the fee prescribed under the Rules. The petitioner did not choose to avail this opportunity.

7. Unless impleaded as one of the respondents either under Rule 4 or Rule 6 of the Rules, the claim of a contestant needs to be treated as an election petition independently. Such petition is required to be filed within 30 days from the announcement of the result under Rule 3 of the Rules.

8. In view of the circumstances stated above, the application of the petitioner needs to be treated as an independent election petition proposing to challenge the election of the third respondent. Since, it is not filed within the limitation prescribed under Rule 3 of the Rules, it could not be entertained. The petition is, therefore, barred both under Rule 3 and Rule 6 of the Rules. No exception can be taken to the order passed by the Tribunal in rejecting the I.A.

9. This civil revision petition is accordingly dismissed. The O.P. was pending since 2001 and its trial was stayed by this Court in this CRP. Since the term itself is near in completion, the Tribunal is directed to expedite the disposal of the same, as early as possible, not later than two months from the date of receipt of a copy of this order. The petitioner can be figured as a witness if cited by any other parties.