
(1996) 08 SC CK 0020

In the Supreme Court Of India

Case No : Civil Appeal No. 11004 of 1996 Arising out of SLP © No. 33 of 1996

S.K. Mahaboob Bee (Smt.) and Others

APPELLANT

Vs

State Election Commissioner and Others

RESPONDENT

Date of Decision : 12-08-1996

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1998) 4 ALT 16 : (2000) 10 SCC 512

Hon'ble Judges : K. Ramaswamy, J;G. B. Pattanaik, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

Mr. K. Ramaswamy, J.—Leave granted.

2. We have heard learned Counsel on both sides.

3. The admitted position is that the election to the office of the Sarpanch of Mangalagiripadu Gram Panchayat, Guntur District reserved for women was held on June 27, 1995. It would appear that there was some irregularity in counting. Therefore, writ petition came to be filed in the first instance and direction was given for recounting by the High Court. Pursuant thereto, the recounting was done in which the appellant secured 513 while Smt. Khasim Bee, 4th respondent secured 510 votes. Consequently the appellant was declared to have been elected. The second writ petition came to be filed which was allowed in the impugned order dated December 19, 1995. Several contentions have been raised in the writ petition as regards the validity of the recounting as some of the votes were declared invalid. Since statutory remedy of filing the election petition has been provided it would be appropriate that Tribunal goes into the legality or otherwise of the declaration of some votes as invalid and of recounting as alleged in this case. Under these circumstances, we decline to interfere with the result of the declaration. However, the 4th respondent is given time to file within 30 days from today election petition before the Election Tribunal. The judgment of the

High Court stands reversed and the writ petition dismissed.

4. The appeals are disposed of accordingly. No costs.