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SLP(C)No. 2011 OF 2002

ITEM No.43

Court No. 5

SECTION XIIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.2011/2002

(From the judgement and order dated 04/10/2001 in WP 15631/01
of The HIGH COURT OF A.P AT HYDERABAD)

JADHAV SUBHASH RAO

Petitioner (s)

VERSUS

MADHAVA RAO DESAI & ORS.

Respondent (s)

(With prayer for interim relief and Office Report)

Date : 12/08/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)

Mr.M.N Rao,Sr.Adv.,
Ms.Prabha Swamy,Adv.,
Mr.Krishnamurthi Swami,Adv.

For Respondent (s)

Mr.D.Rama Krihsna Reddy,Adv.,
Mrs.D. Bharathi Reddy,Adv.

Mr.K.Ram Kumar,Adv.,
Mr.Ram Lal Roy,Adv.,
Mr.Shivakumaran,Adv.
Mr.R.N. Keshwani,Adv.

UPON hearing counsel the Court made the following

O R D E R

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Heard the learned counsel for the parties.

Considering the fact that High Court has set aside the order passed by the Election Officer on the ground that opportunity of hearing was not given to respondent No.1, we do not think that this would be a fit case for interference. Hence, the special leave petition is dismissed. However, it is directed that Election Officer shall decide the matter afresh after giving an opportunity of hearing to the parties

in accordance with the statutory provisions by taking into consideration the alleged whip issued on 22.7.2001. Election Officer shall take into consideration the fact that admittedly respondent was elected Member of the Mandal Parishad on the basis of Telgu Desam Party.

Finally, Election Officer would decide the matter within eight weeks from today. Copy of this order would be produced by the petitioner before the Election Officer. Mr.K.Ram Kumar, learned counsel appearing for Respondent Nos.5 and 6 takes note of this direction.

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(Vijay Kumar Sharma)
Court Master

(Janki Bhatia)
Court Master