

Basappa S/O Venkangouda Vs. Deviputra S/O Anandappa and ors

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Court : Karnataka

Decided On : Oct-28-2010

Judge : N Kumar; Subhash B Adi J.

Appeal No. : REVIEW PETITION NO.2575 OF 2010

Appellant : Basappa S/O Venkangouda

Respondent : Deviputra S/O Anandappa and ors

Advocate for Pet/Ap. : SRI. SHIVAKUMAR KALLOOR. ADV

Judgement :

ORDER

1. This review petition is filed by one Basappa requesting the Court to review the order dated 06.10.2010 in Writ Appeal No. 10150/2010.

2. The aforesaid writ appeal was preferred against the order of the learned Single Judge who had directed for preparation of fresh voters' list and thereafter to proceed with the election. Once a calendar of events is published and the election is notified merely because some body raised objection regarding entries in the voters list, neither the elections can be stalled nor the fresh voters list has to be prepared at that stage. An objection regarding the voters list has to be taken after voters list duly published and time is given to raise objections. It is only after considering objections. voters list is finalized and preparation of voters list is a condition precedent for issue calendar of events. Once calendar of events is

issued, the correctness of voters list cannot be gone into either by Returning Officer or by the Courts, if the interest of any candidate in the election suffers, then he could raise election dispute and in that dispute, he could contend that the voters list did not include valid voters which has seriously affected his interest. If the calendar of events is issued and till the election results are announced during that period the corrections of list cannot be gone into.

3. In pursuance of the direction issued by the learned Single Judge, a fresh voters list has been prepared. Nearly about 219 voters whose place found in the earlier list omitted either on the ground they are defaulters or on the ground of bogus voters and lo have the elections. If the voters list is prepared after issuing calendar of events, that cannot be made the basis for fresh election on the basis of such voters list. If the petitioner is also candidate contesting the election, he an raise all such grounds in the election petition which is appropriate authority to consider and grant relief. We find no ground to review the order.

Hence, review petition is dismissed. Permission to prosecute is also dismissed. Application to filed for direction is also dismissed.

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