

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3RD DAY OF JULY 2002

BEFORE

THE HON'BLE MR. JUSTICE V. GOPALA GOWDA

C.R.P. NO.2153/2001

BETWEEN:

Mr. Kaveramma,  
W/o Venkatappa,  
Aged about 40 yrs.  
R/a Emery village,  
Dommasandra PO,  
Sarjapura Hobli.

..PETITIONER

(By Sri H.P. Leeladhar, Adv.)

AND:

1. The Deputy Commissioner,  
Bangalore Dist. Taluk Office  
Compound, K.G.Road, Bangalore-9.
2. Mr. N. Gangadharappa, Block  
Education Officer & Returning  
Officer for election of  
Adhyaksha & Upa Adhyaksha  
of Emery Grama Panchayat,  
Emery village, Dommasandra PO,  
Sarjapura Hobli.
3. The Tehsildar,  
Anekal Tq.,  
Bangalore Dist.

..RESPONDENTS

(By Sri M. Shivaprasad, G.P. for R1 & R3)

This C.R.P. filed U/S 115 CPC against the order dated 21.4.2001 passed in Election Petition No.3/2000 on the file of the Addl. Civil Judge (Jr. Dn) & JMFC, Anekal, rejecting the petition filed U/S 15 of the Panchayati Raj Act.

This C.R.P. coming on for final hearing this day, the Court made the following:-

..ORDER..

ORDER

The designated Judicial Officer upon whom the power is conferred for adjudication of the election disputes pertaining to the election of President of Vice-President of the Grama Panchayaths has answered Point No.1 on the basis of the evidence of R.W.1 at Paragraph 9 of the impugned order and has recorded a finding of fact that the nomination papers of the petitioner was rejected on 24.3.2000 but the petitioner has filed the application on 20.6.2000 after she was unsuccessful in the writ petition before this Court and as such the petition is barred by limitation. The said finding is in conformity with Rule 14 (b) of the Karnataka Panchayath Raj (Grama Panchayath President and Vice-President Elections) Rules, 1995 wherein the time prescribed for filing the petition is seven days from the date of declaration of the election of Adhyaksha and Upadhyaksha to the Grama Panchayath. The learned counsel for the petitioner has placed reliance upon the decision of this Court reported in ILR 1997 KAR 2518 (RANIYAMMA .VS. M. HEMALA



NAYAKA AND OTHERS) wherein <sup>this Court has</sup> interpreted Rule 7 of the Karnataka Panchayat Raj Rules & law has been succinctly laid down holding that the rules provides for alternative remedy so far as the other elected members are concerned, and such an election can be challenged only by a Member of the Panchayath and none else, <sup>the same is</sup> misplaced as it has no application to the facts of the present case. There is no merit in this revision petition.

2. Accordingly, this revision petition is dismissed.

Sd/-  
Judge

\*alb/-