

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE MR JUSTICE GHULAM MOHAMMED
and
THE HON'BLE MR JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION NO : 11694 of 2005

Between:

B.K.Parthasaradhi, S/o.B.K.Nazaiah,
R/o.R.Marava Palli, Roddam Mandal, Anantapur District.

.....
PETITIONER

AND

- 1 The Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi rep.by its Secretary.
- 2 The Chief Electoral officer, State of Andhra Pradesh, Secretariat Building Complex, Saifabad, Hyderabad.
- 3 The Returning officer, Penukonda Assembly, Anantapur District.

.....**RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned portion of the notification of the 1st respondent in directing the voters to establish their identity by producing anyone of the alternative documents mentioned in para 11 of the Notification NO.3/4/ID/2005/J.S.II/BYE dt.17-05-2005 as arbitrary, illegal, unjust, contrary to law and consequently direct the respondents and their subordinates to accept other documentary evidence i.e, certificate issued by Panchayat Secretary of Gram Panchayats to establish identity of the voters as the time of casting the vote by the voters who do not possess Electronic Photo Identity Cards, in the bye-Elections of the Penukonda Assembly

Constituency in the interest of justice.

Counsel for the Petitioner:MR.SRINIVAS DAMMALAPATI

Counsel for the Respondent No.: MR.C.P.SARATHY

The Court made the following :

ORDER: (Per GM, J)

Learned counsel for the petitioner submitted that the cause in the writ petition does not survive and it has become infructuous.

Recording the said submission, the writ petition is dismissed as infructuous. No costs.

GHULAM MOHAMMED, J

VILAS V. AFZULPURKAR, J

Date:30.06.2009

sj