

SUPREME COURT OF INDIA

Election Commission of India

Vs.

Telangana Rastra Samithi

C.A.No.10244 of 2010

(Altamas Kabir and A.K. Patnaik JJ.)

08.12.2010

JUDGMENT

Altamas Kabir,J.

1. On 3rd December, 2010, when judgment had been delivered in the Civil Appeal arising out of SLP(C)No.20590 of 2010, it had been brought to our notice by Ms. Meenakshi Arora, learned counsel for the Election Commission of India, that elections to the 28-Vemulawada and 29-Sircilla Assembly Constituencies in the State of Andhra Pradesh had already been held on 27th July, 2010. In fact, at the time when notice was issued on the Special Leave Petition on 22nd July, 2010, it had been brought to our notice that the elections to the said two Constituencies had already been notified and were scheduled to be held on 27th July, 2010. Accordingly, while issuing notice, we had confined the same only to the question relating to the interpretation of Section 151-A of the Representation of the People Act, 1951, with regard to the holding of elections in a vacancy within six months from the date of such vacancy where an election petition is pending. We had already made it clear that the pendency of the Special Leave Petition would not affect the elections, which had already been notified and were scheduled to be held on 27th July, 2010. The Civil Appeal was, therefore, heard only on the question of interpretation of Section 151-A of the aforesaid Act.

2. It is, therefore, clarified that although, we had allowed and set aside the order of the High Court on account of the interpretation of Section 151-A of the 1951 Act, read with Article 190(3)(b) of the Constitution, the same will not affect the bye-elections already held in respect of the two above-mentioned Assembly Constituencies held on 27th July, 2010.