

SUPREME COURT OF INDIA

Rita Subhash Shah

Vs.

Election Officer

C.A.No.301 of 2017

(Kurian Joseph and A.M.Khanwilkar,JJ.,)

10.01.2017

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.23549/2012

1. Leave granted.

2. In this appeal arising out of SLP(C) No.23549 of 2012 all that the High Court has done is to relegate The appellant to pursue the remedy by way of an election petition.

3. In the peculiar facts and circumstances of this case, we do not deem it appropriate to interfere with the order since the alternate remedy by way of election petition is the most efficacious remedy for the appellant in the facts of this case, particularly since the nomination of the appellant is alleged to have been improperly rejected by the Returning Officer.

4. Therefore, this appeal is disposed of as follows:

“i) The result of the election already conducted during the pendency of this appeal shall be declared forthwit.

ii) In case an election petition is filed by the appellant within 10 days from the declaration of the result, we direct the Election Tribunal to try and dispose of the same on merits expeditiously and at any rate before the declaration of the election for the next term.”

5. There shall be no order as to costs.

6. Pending application(s), if any, shall stand disposed of.

