

## MADAN LAL 'DHARTIPAKAR'

v.

NEELAM SANJEEVA REDDY AND ORS.

March 9, 1978

[R. S. SARKARIA, N. L. UNTWALIA, JASWANT SINGH, P. S. KAILASAM  
AND V. D. TULZAPURKAR, JJ.]

*Presidential and Vice-Presidential Elections Act (Act 31), 1952, Ss. 5B, 5C, 13(a), 14A—Nomination paper filed without a proposer or a seconder from amongst electors—Locus standi to file election petition, only by a 'candidate' within the meaning of S. 13(a).*

The nomination paper filed by the Petitioner on July 5, 1977 was rejected by the Returning Officer as it was not subscribed by any elector as proposer or as seconder as required by S. 5 of the Presidential and Vice-Presidential Election Act, 1952. The petitioner challenged the election of the respondent, u/s 14 of the Act.

Dismissing the petition, the Court

HELD: Since there was no compliance with the requirements of Section 5B(1) of the Act (No. 31 of 1952), the Petitioner was not a duly nominated 'candidate' within the meaning of S. 13(a) of the Presidential and Vice-Presidential Elections (Amendment) Act, 1977 and, as such, has no locus standi to maintain the petition. [466 B-C]

*Charan Lal Sahu v. Neelam Sanjeeva Reddy*, [1978] 3 S.C.R., 1 Reiterated.

ORIGINAL JURISDICTION : Election Petition No. 2 of 1977.

*In Person* : for the Petitioner

*P. Rama Reddy, O. C. Mathur, C. S. Rao & A. V. V. Nair* for Respondent No. 1.

*S. V. Gupte, Attorney Gen., and R. N. Sachthey* for Respondent No. 3.

The Judgment of the Court was delivered by

SARKARIA, J.—This is a petition filed by Shri Madan Lal 'Dhartipakar' on August 19, 1977 under the Presidential and Vice-Presidential Election Act, challenging the election of Shri Neelam Sanjeeva Reddy as President of India at the Presidential Election held on July 19, 1977.

The petitioner filed a nomination paper on July 5, 1977 but that nomination paper was rejected by the Returning Officer because—as he admits—it was not subscribed by any elector as proposer or as seconder. He had thus admittedly not complied with the requirements of Section 5B(1) of the Act. The petitioner has, however, detailed reasons why he could not find any elector to propose or second his nomination papers.

**A** When the case came up before us today, the petitioner requested that the hearing of the Petition be postponed till after the coming Summer Vacation. We explained to him that we did not see any sufficient reason to accede to his request. The adjournment was declined.

**B** The petitioner then argued at length urging that the petition should be referred to a larger Bench for decision. We have fully heard and considered all that he had to say in this connection, and we are not persuaded to accede to his request.

**C** Since there was no compliance with the requirements of Section 5B(1) of the Act (No. 31 of 1952), the petitioner was not a duly nominated 'candidate' within the meaning of Section 13(a) of the Presidential and Vice Presidential Elections (Amendment) Act, 1977, and, as such, has no locus standi to maintain this petition; (vide Election Petition No. 1 of 1974 decided by this Court on October 14, 1974).

Accordingly we dismiss the petition, but without any order as to costs.

S.R.

*Petition dismissed.*