

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.No.39850 of 2015

Date : 08-12-2015

Between :

V. Rajani
Petitioner

..

And

Peddapalli Nagar Panchayat,
Represented by its Commissioner,
Nagar Panchayat, Peddapalli,
Karimnagar District and others
Respondents

..

Counsel for petitioner : Mr. K.S. Murthy

Counsel for respondent No.1 : --

Counsel for respondent Nos.2 to 4 : Government Pleader for
Revenue

Counsel for respondent No.5 : Mr. Avinash Desai

Counsel for respondent No.6 : --

The Court made the following:

-

ORDER:

This Writ Petition is filed for a mandamus to declare the action of the respondents in not including the petitioner's name as a voter in the electoral list of Karimnagar Local Authorities' Constituency as illegal and arbitrary. The petitioner prayed for a consequential direction to the respondents to include her name in the electoral roll.

The petitioner was elected as a Councillor from Ward No.9 of Peddapalli Nagar Panchayat as a candidate of the Indian National Congress Party (INC Party). On 3-7-2014, elections to the posts of Chairperson and Vice-Chairperson of the Peddapalli Nagar Panchayat were held. The petitioner has received notice dated 23-7-2014 from respondent No.4 calling for her explanation why she should not be disqualified as she has allegedly violated the Whip issued by the INC Party. The petitioner submitted her explanation on 30-7-2014. By order dated 3-9-2014, respondent No.4 has disqualified the petitioner. Thereupon, the petitioner has moved the District Judge, Karimnagar by filing E.O.P.No.417 of 2014. In I.A.No.829 of 2014 filed in the said O.P., the District Court passed order on 10-9-2014

staying all further proceedings in pursuance of order dated 3-9-2014 of respondent No.4. On 2-12-2015, election notification was issued for electing the Member of Legislative Council from Karimnagar Local Authorities' Constituency fixing 9-12-2015 as the last date for filing nominations and further providing for appropriate entries and corrections to be made in the voters list till the afternoon of 9-12-2015. The grievance of the petitioner is that in spite of order dated 10-9-2014 of the District Judge, Karimnagar in the above mentioned proceedings, her name is not being included in the electoral roll.

I have perused the above mentioned order of the District Court which shows that a direction to respondent No.2 was given to stop further proceedings till 25-9-2014. Mr. K.S. Murthy, the learned Counsel for the petitioner has submitted that the said interim order was extended until further orders.

As rightly pointed out by Mr. Avinash Desai, learned Counsel representing respondent No.5, order dated 3-9-2014 of respondent No.4 was not stayed or suspended by the District Judge. An order directing stay of further proceedings cannot be equated to an order of stay or suspension. Unless the Court stays or suspends the operation of order dated 3-9-2014, it continues to remain in force though the further steps in pursuance of such order are not permitted to take place as a result of the interim order of the District Court. In this view of the matter, the petitioner is not entitled to inclusion of her name in the

electoral roll on the strength of the above mentioned interim order of the District Court. Hence, I do not find any merit in this Writ Petition and no mandamus as sought by the petitioner can be granted.

For the above mentioned reasons, the Writ Petition is dismissed.

As a sequel to the dismissal of the Writ Petition, WPMP No.51430 of 2015 filed for interim relief is disposed of as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 08-12-2015

AM