

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**Writ Petition No.8345 of 2015**

**Date: 27-03-2015**

Between:

K. Trinath Rao

.. Petitioner

AND

The State of Andhra Pradesh, represented by its

Principal Secretary, Panchayat Raj Department,

Hyderabad and 3 others

.. Respondents

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**Writ Petition No.8345 of 2015**

**ORDER:**

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This writ petition is filed for a mandamus directing the 3<sup>rd</sup> respondent to consider the representation dated 24-07-2013 made by the petitioner challenging the election of the 4<sup>th</sup> respondent as Sarpanch of Pedagada village, Pendurthi Mandal, Visakhapatnam District, which was conducted on 28-07-2013 in the interest of justice.

2. The case of the petitioner is that the United Government of Andhra Pradesh has issued notification in the year 2013 to conduct election to the Gram Panchayat to the post of Sarpanch and members of the Gram Panchayat,

pursuant to which the post of Sarpanch for the village of Pedagada Gram Panchayat, Pendurthi Mandal, Visakhapatnam District was reserved for Backward Classes and the election was scheduled to be conducted on 28-07-2013 and the results were to be announced on the same day. It is stated that the petitioner himself and the 4<sup>th</sup> respondent have filed nominations for the post of Sarpanch of the village and elections were conducted on 28-07-2013 and thereafter, the 4<sup>th</sup> respondent was declared as Sarpanch of Pedagada Gram Panchayat. A complaint was made by Uttarandhra Settibaliya Kendra Sangham, Akkayyapalem, Visakhapatnam stating that the 4<sup>th</sup> respondent herein, who belongs to forward caste community and who is not eligible to contest election for Pedagada Gram Panchayat, had fraudulently obtained B.C. Community Certificate basing on which he was declared as Sarpanch and though a representation was made on 24-07-2013 much prior to filing of nominations and conducting elections, the Tahsildar, Pendurthi has not taken any action on the said representation and allowed the 4<sup>th</sup> respondent to contest the election. Being aggrieved by the said action of the respondents 1 to 3, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

4. Having regard to the facts and circumstances of the case, since the petitioner has alternative remedy in respect of his grievance raised herein as per Section 233 of the A. P. Panchayat Raj Act, 1994 and also in view of bar contained under Article 243-O (b) of the Constitution of India, the writ petition cannot be entertained, and hence, the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, the petitioner may avail his alternative remedy provided under the law in respect of his grievance. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

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**A. RAJASHEKER REDDY, J**

Date: 27-03-2015

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