

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

CASE NO.WRIT PETITION No.21312 of 2015

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Between:

T. Rama Laxmulu, S/o. Nagaiah,
Aged about 65 years, R/o. Tanikella Village,
Konijerla Mandal, Khammam District,
Telangana State.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Panchayat Raj & Rural Development,
Secretariat, Hyderabad & 2 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 14.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | Yes/No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner alleges that the third respondent contested the election to Mandal Parishad Territorial Constituency (for short, 'MPTC') against the seat reserved for backward class claiming himself as belonging to 'Munnuru Kapu', whereas actually he is a 'Telaga' by caste which is an open category caste and not included in the list of backward classes. According to the petitioner, if the fact of the social status of third respondent is proved, he would earn the disqualification to be an MPTC member. Thus, having come to know that a false declaration is given by the third respondent and that he does not belong to Backward Class category, the petitioner filed complaint before the Joint Collector, Khammam (2nd respondent) on 06.06.2015. Alleging that no action is taken on his complaint, this writ petition is filed.

2. The issue agitated in the writ petition is whether the third respondent has given a false declaration and that whether the third respondent belong to 'Telaga' community or 'Munnuru Kapu'.

3. Having regard to the fact that the representation submitted by the

petitioner on 06.06.2015 to the Joint Collector, Khammam (2nd respondent) is yet to be disposed of, without expressing any opinion on merits, the Writ Petition is disposed of directing the Joint Collector to consider the representation and pass appropriate orders, as warranted by law, within a period of three (3) weeks from the date of receipt of a copy of this order. It is needless to observe that if the Joint Collector is intending to act upon the complaint regarding the enquiry into the social status of the third respondent, he shall follow the due procedure as mandated by the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 (for short, 'the Act, 1993) and the rules made thereunder. In case of initiation of enquiry in terms of the Act 1993 and the rules made thereunder, the petitioner shall represent to the District Collector and the Joint Collector for expeditious conducting of the said enquiry and taking appropriate decision. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 14th July, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.21312 of 2015

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Date: 14th July, 2015

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