

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

**FRIDAY, THE THIRTIETH DAY OF OCTOBER TWO THOUSAND AND
FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.14955 of 2014

Between:

Sri Nenavath Sari Chand,
S/o. Devula, Aged about 43 years,
Occ: Agriculture,
R/o.H.No.1-38, Bairapur Village,
Nizamabad Mandal,
Nizamabad District.

.. Petitioner

AND

The Commissioner,
Panchayat Raj,
Government of Andhra Pradesh,
Hyderabad & 5 others

.. Respondents

The Court made the following:

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ORDER:

The petitioner claims to be a resident of Bairapur Village of Nizamabad Mandal, Nizamabad District. The petitioner contends that the 6th respondent is having more than two children and, therefore, he is not qualified to contest to any public post created under the Andhra Pradesh Panchayat Raj Act, 1994 (for short, 'the Act'), such as Sarpanch, Member of the Mandal Parishad Territorial Constituency, etc., whereas the 6th respondent contested to the post of Member of the Mandal Parishad Territorial Constituency of Pongra-I Village, Nizamabad Mandal, in the elections conducted in the year 2014 and was successful in the said election. Having come to know that the 6th respondent is not qualified to contest and being elected on account of having more than two children, the petitioner claim to have filed complaint. Alleging that no action is taken on the complaint filed by the petitioner which would disqualify the 6th respondent as member of the Mandal Parishad Territorial Constituency,

Pongra-I Village, this writ petition is filed.

2. On behalf of the 6th respondent, learned counsel, Sri V. Ravi Kiran Rao, contends that the petitioner is not voter of Mandal Parishad Territorial Constituency of Pongra-I Village and, therefore, he is not entitled to challenge the election of 6th respondent as member of Mandal Parishad Territorial Constituency. Learned counsel placed reliance on provision contained in Section 22(1) of the Act.

3. Learned counsel for the petitioner do not dispute the fact that the petitioner is not residing in a village which is forming part of Pongra-I, Mandal Parishad Territorial Constituency.

4. Section 21 the Act mandates that only a voter or authority can complain to the executive authority against elected person to disqualify him and since the petitioner is an ordinary resident of Bairapur Village, which is not part of Mandal Parishad Territorial Constituency of Pongra-I Village, he is not qualified to raise a complaint. Having regard to the provision contained in Section 22(1) of the Act, the objection raised by the learned counsel for the 6th respondent is valid and, therefore, the writ petition is not maintainable.

5. Accordingly, the Writ Petition is dismissed. 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: 30th October, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14955 of 2014

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Date: 30th October, 2015

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