

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

(Special Original Jurisdiction)

PRESENT

THE HON'BLE THE
CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.6783 OF 2005

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DATED: 16-02-2015

Between:

Lok Satta

.. Petitioner

And

Government of Andhra Pradesh, rep. by its
Principal Secretary, Panahcyat Raj Department

And others

.. Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION NO.6783 of 2005
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ORDER: (per Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This writ petition has been filed for the following reliefs:

“Issue a writ, order or direction more particularly one
in the nature of Writ of Mandamus –

- (i) declaring the failure of respondents to conduct elections to the various local bodies including Gram Panchayats, Mandal Parishads, Zilla Parishads, Municipalities and Municipal Corporations before the expiry of their duration/term as unlawful, arbitrary, unconstitutional and violative of the respective statutory provisions of the A.P. Panchayat Raj Act, 1993, A.P. Municipalities Act and Hyderabad Municipal Corporation Act, 1955 read with A.P. Municipalities Act, 1994; and
- (ii) declare that the power of conducting elections and all matters connected therewith including preparation of voters list, identification of reserved seats and conduct of elections vests in the State Election Commission alone under the provisions of Articles 243K & 243ZA;
- (iii) direct the respondents herein to forthwith initiate, notify and conduct elections to the various local bodies including Gram Panchayats, Mandal Parishads, Zilla Parishads, Municipalities and Municipal Corporations in the State of Andhra Pradesh; and
- (iv) issue a continuing mandamus to the respondents herein to notify and conduct elections for all local bodies prior to the completion of their respective duration/term in accordance with provisions of 243E

and 243U of the Constitution of India;

- (v) declare Section 62A of A.P. Municipalities Act, 1965 and Section 70G of Hyderabad Municipal Corporation Act, 1955 as being illegal, ultravires and unconstitutional;
- (vi) pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case."

From the prayer in the writ petition, it is clearly evident that the same is general in nature and in fact, having regard to the nature of the reliefs and also taking note of the present status, we find that there is no surviving cause of action in this writ petition. In any event, we cannot presume inaction on the part of the respondents in holding elections to the Local Bodies for all times to come. No specific allegation is made that there is any present inaction in holding elections to any Local Body.

The writ petition is therefore dismissed. If any specific grievance arises, it will be open to the petitioner to approach the Court. Pending miscellaneous petitions, if any, shall stand closed. No costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

16-02-2015

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THE HON’BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
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WRIT APPEAL NO.498 of 2009

(Order of the Division Bench delivered by Hon'ble
The Chief Justice Sri Kalyan Jyoti Sengupta)

11-02-2015