

THE HON'BLE SRI JUSTICE A.V. SESA SAI

Writ Petition No.15931 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a suitable writ, order or direction more particularly one in the nature of writ of certiorari by calling the records of the 1st respondent pertaining to the stay order in Memo No.38/BCW/OP-2/2015-1, dt: 13.01.2015 and quash the same as illegal, arbitrary and violative of principles of natural justice as it is passed without giving a notice to me and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Smt. S.A.V. Ratnam, learned counsel for the petitioner and the learned Government Pleader for Social Welfare Department appearing for the respondents 1 and 2.

According to the petitioner, he belongs to BC-B caste and the 3rd respondent is a Muslim and belongs to forward caste.

It is stated in the writ affidavit that the third respondent fraudulently obtained a false caste certificate as if he belongs to BC-B. The petitioner and the third respondent contested for the post of Sarpanch for Punnelu Village, Wardhannapet Mandal, Warangal District. The office of the Sarpanch of Punnelu village is reserved for BC-B. In the election, the 3rd respondent was declared elected as Sarpanch of the said village.

It is stated that the petitioner made an application on 18.07.2013 to the 2nd respondent-District Collector, Warangal, requesting for cancellation of the caste certificate issued to the 3rd respondent and also initiation of criminal proceedings against the 3rd respondent for obtaining false caste certificate. It is further stated that the 2nd respondent vide proceedings dated 15.11.2014 cancelled the false caste certificate of the 3rd respondent. Aggrieved by the said proceedings of the District Collector, the 3rd respondent filed an appeal vide Memo No.38/BCW/OP-2/2015-1 before the 1st respondent. According to the petitioner, the 3rd respondent did not array him as party respondent to the said appeal and obtained stay order behind his

back from the 1st respondent on 13.01.2015.

The grievance of the petitioner in the present writ petition is that the 1st respondent ought not to have granted stay of proceedings of the 2nd respondent, dated 15.11.2014, as the 3rd respondent did not show the petitioner herein as party respondent to the appeal.

Even though number of contentions have been raised in the affidavit filed in support of the writ petition, this Court is not inclined to go into the merits of the case, in view of the pendency of statutory appeal before the 1st respondent. However, it is open for the petitioner to agitate all the points that have been raised in the present affidavit before the 1st respondent.

In these circumstances, the writ petition is disposed of directing the 1st respondent to dispose of the appeal/revision filed by the 3rd respondent on 08.01.2015 and pass appropriate orders after giving notice and opportunity to the petitioner, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs. The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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A.V. SESA SAI, J

Date: 09.06.2015

Note: Issue CC in three days.

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