

**THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**WP.No.1431 of 2015**

**ORDER :**

Heard Smt. K.V. Rajasree, counsel for petitioners, Sri J. Prabhakar, counsel for 5<sup>th</sup> respondent, and the learned Government Pleader for Co-operation (Telangana) for respondent nos.1 to 4.

2. In the present case, although the election schedule for holding elections to 5<sup>th</sup> respondent-Society had been announced by the District Collector, who is also the District Election Authority, Hyderabad, Urban District, vide proceedings Rc.No.10/2014-Elec, dt.29.12.2014, the petitioners herein had filed this Writ Petition on 25.01.2015 suppressing the said fact and taking a false plea that elections are likely to be announced by 1<sup>st</sup> week of February, 2015. They sought deletion from the voters' list some persons who they claim to be dead or ineligible and sought an interim direction that the names of such persons be deleted on the basis of the information furnished by them by way of interim order.
3. On 05.02.2015, this Court, by way of interim order, directed deletion of names of dead/ineligible persons from the voters' list basing on the information furnished by petitioners within two (02) weeks.
4. Claiming that this order has now been implemented, the petitioners want the Writ Petition to be closed.
5. This is opposed by Sri J. Prabhakar, counsel for 5<sup>th</sup> respondent,

pointing out that the Writ Petition itself has been filed suppressing the fact that election schedule had already been announced on 29.12.2014; and that it is settled law that once election schedule has been announced, the Court's jurisdiction to interfere with the election process is normally not exercised. He also contended that, in any event, the question of deleting persons from the voters' list on the basis of information furnished by petitioners without any enquiry cannot be done or countenanced inasmuch as the persons whose names are now sought to be deleted are entitled to a notice.

6. I find considerable force in the submissions of the counsel for 5<sup>th</sup> respondent.
7. I am of the view that the Writ Petition has been filed suppressing the fact that election schedule had already been notified long prior to the filing of Writ Petition and making a false averment that the elections are likely to be announced by 1<sup>st</sup> week of February, 2015. I am also of the opinion that without any enquiry and without any notice to persons whose names are likely to be deleted from the voters' list, merely on the basis of information furnished by petitioners, no deletions from voters' lists could have been done by respondents. *Status quo ante* prevailing, before the interim order passed by this Court, shall stand restored.
8. In this view of the matter, the Writ Petition is dismissed with costs of Rs.3,000/- to be paid to 5<sup>th</sup> respondent within two (02) weeks from the date of receipt of a copy of this order.
9. As a sequel, miscellaneous petitions pending, if any, in this Writ

Petition shall stand closed.

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 09.11.2015

Ndr/\*

Note :

Issue C.C. within two (02) days.

B/o.

Ndr/\*