

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.32201 of 2015

Dated 05.11.2015

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Between:

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Smt.Ashala Susheela

... Petitioner

and

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The Commissioner,
Metpally Municipality,
Karimnagar District and 3 others.

...Respondents

Counsel for the petitioner: Mr.Jithender Rao Veeramalla

Counsel for respondent Nos.1 & 2: None appeared

Counsel for respondent No.3: GP for Revenue (TS)

The Court made the following:

Order :

This Writ Petition is filed for a Certiorari to call for the record pertaining to OP.No.126 of 2014 from the Court of the learned

II Additional District Judge, Karimnagar, and quash Order, dated 19-06-2015, in IA.No.1079 of 2014 in the said OP.

The State Election Commission held elections to 24 wards of Metpalli Municipality on 30-03-2014, in which the petitioner contested from Ward No.22 and was elected as the Indian National Congress Party Candidate. In pursuance of the election notification issued by the State Election Commission on 23-05-2014, the elections to the office of the Chairperson and the Vice Chairperson, Metpalli Municipality, were held by respondent No.2 on 03-07-2014. Respondent No.4 has, evidently, made a complaint to respondent No.2 against the petitioner alleging that she has violated the party whip in the said election and requested to disqualify her. On receipt of the said complaint, respondent No.2 has issued a show cause notice on 05-07-2015 to which the petitioner submitted her explanation on 10-07-2014. Not being satisfied with the petitioner's explanation, respondent No.2, by his Order, dated 23-08-2014, has disqualified her from holding the post of ward member. Questioning the same, the petitioner filed Election OP.No.126 of 2014 in the Court of the learned II Additional District Judge, Karimnagar at Jagitial. The petitioner has also filed IA.No.1079 of 2014 for suspension of Order, dated 23-08-2014, of respondent No.2. The District Court has, initially, dismissed the said IA on 31-10-2012. However, in Writ Petition No.36871 of 2014, filed by the petitioner, this Court has set aside the said order and remanded the IA for fresh adjudication. Accordingly, the District Court has reconsidered IA.No.1079 of 2014 and passed the impugned order on 19-06-2015. Feeling aggrieved by this Order, the petitioner filed this Writ Petition.

It is the pleaded case of the petitioner all through that she was

not aware of issue of any whip and that no such whip was served on her. The District Court has, however, found that Ex.B.1- Panchanama, dated 01-07-2014, discloses that when the whip was issued by the Indian National Congress Party, the petitioner has refused to receive the same and that, therefore, the same was affixed to her house in the presence of the mediators. The District Court has also referred to and relied upon Rule 9 of the Andhra Pradesh Municipalities Rules, 2008, under which, where it was not possible to serve the whip through tendering to the member or any member of his family or a relation of his/her family, it can be served by affixing the same in some conspicuous place of abode or business after following the procedure of due panchanama.

In the light of the above reasons, which, in my opinion, are sound, based on which the District Court has declined to grant interim suspension of the order of respondent No.2 disqualifying the petitioner, I do not find any merit in this Writ Petition.

The Writ Petition is, accordingly, dismissed. It is, however, made clear that the findings rendered by the District Court in the impugned order and by this Court in this Order shall not influence the District Court while disposing of Election O.P.No.126 of 2014.

As a sequel to dismissal of the Writ Petition, WPMP.No.41605 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 5th November, 2015

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