

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.28241 OF 2015

DATED:02-12-2015

Between:

Gangolla Babu ... Petitioner

And

The State of Telangana
Rep. by its Principal Secretary to
Panchayat Department
Secretariat Buildings
Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. Sapthagiri Metta

COUNSEL FOR RESPONDENT NOS.1 to 3 & 6: A.G.P. for Panchayat
Raj (TS)

COUNSEL FOR RESPONDENT NOS.4 & 7 : Mr. K. Rama Krishna,
for

Mr. G. Narender Reddy

COUNSEL FOR RESPONDENT NO.5 :A.G.P. for Revenue
(TS)

COUNSEL FOR RESPONDENT NO.8 : Mr. Kowturu Pavan
Kumar,

for Mr. Kowturu Vinaya Kumar

THE COURT MADE THE FOLLOWING:

ORDER:

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The petitioner, who is unsuccessful in the elections held for Ward Member of Manikonda Gram Panchayat, filed this writ petition feeling aggrieved by the inaction of respondent Nos.3 and 7 in referring to the District Court concerned the issue of the alleged disqualification of respondent No.8 under Section 19(3) of the Andhra Panchayat Raj Act, 1994 (for short, 'the Act'), for being continued as Ward Member on account of his having a third child.

In the view this Court is proposing to take, it is not necessary to record detailed reasons. It will suffice to note that under Section 22 of the Act any voter or a Member of the Gram Panchayat is entitled to raise the issue of disqualification. Though the petitioner is an unsuccessful candidate, nevertheless he falls within the expression of 'voter' under the said provision. Therefore, when once the issue of disqualification of a Member is raised by a voter, it is incumbent on the competent authority to refer the same to the District Court. In this view of the matter, the Secretary of respondent No.7 is directed to refer the issue to the District Court concerned under Section 22 of the Act, within one month from the date of receipt of this order. It is made clear that respondent No.8 is entitled to contest the proceedings before the District Court concerned by raising all the pleas available to him in law.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.36622 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

02-12-2015

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