

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.34052 of 2016

ORDER:

1 This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus to declare the inaction of the respondent Nos.2 to 6 in disposing of the representations of the petitioner dated 04.02.2015 and 23.04.2015 as illegal and arbitrary.

2 Heard the learned counsel for the petitioner and the learned standing counsel for the Election Commission- Respondent Nos.1 to 5 and standing counsel for the Panchayat Raj – 6th respondent.

3 A perusal of the record reveals that the 7th respondent was elected as Sarpanch of Thotavaripalem village, Chirala Mandal, Prakasam District in the year 2013. It is the case of the petitioner that the 7th respondent is having four children. The grievance of the petitioner is that the 7th respondent had filed nomination form for the post of Sarpanch by suppressing the factum of having four children. The stand of the petitioner is that the 7th respondent is not qualified to contest for the post of Sarpanch. The petitioner made a representation to the third respondent on 04.02.2015 and 23.04.2015. For one reason or the other, the third respondent has not disposed of the representations submitted by the petitioner.

4 At the time of arguments, the only request made by the learned counsel for the petitioner is to direct the third

respondent to dispose of the representations submitted by the petitioner on 04.02.2015 and 23.04.2015 as expeditiously as possible. The learned standing counsel and the Government Pleader also consented for the same.

5 In view of the submissions made by both counsel, this Court is not inclined to go into the merits of the case.

6 Having regard to the facts and circumstances of the case and the submissions made by both counsel, the third respondent is hereby directed to consider and dispose of the representations made by the petitioner on 04.02.2015 and 23.04.2015 as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order, after affording a reasonable opportunity to the 7th respondent.

7 With the above direction, this writ petition is disposed of. As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 30.09.2016

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