

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT APPEAL No. 2514 of 2005

Date: 29.04.2016

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Between:

K. Suneetha

... Appellant

And

The State Election Commission,
Rep., by its Commissioner,
Secunderabad & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APPEAL No. 2514 of 2005

ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

We have perused the prayer made in the writ petition. The prayer reads thus:

“For the reasons stated in the accompanying affidavit the petitioner prays that the Hon'ble Court may be pleased to issue a writ or order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the respondents 1 to 5 in allowing the 7th respondent to contest the Election for the Office of the Councilor from Ward No.30 of Mahabubnagar Municipality, Mahabubnagar District despite her disqualification arising out of her conviction in S.T.C.No.166/1997, dated 13.10.2000, under Sections 232 and 504 read with 34 IPC and despite the bar under Section 15(1)(b) of the A.P. Municipalities Act, 1965, as illegal and arbitrary and violative of good governance and fair elections and it is further consequently prayed that this Hon'ble Court may be pleased to direct the respondent Nos. 1, 2 and 3 to disqualify the 7th respondent and prevent her from contesting the said elections to be held on 24.09.2005 or on any other subsequent date and to declare her election as void ab-initio in case she is elected during the pendency of this writ petition and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

This Court disposed of the writ petition on 19.10.2005 with the following observations:

“First writ petition was filed on 13.09.2005 and second writ petition was filed on 29.09.2005. Be that as it is, learned Standing counsel for Municipalities, State Election

Commission and learned Assistant Government Pleader for Municipalities submit that seventh respondent in both the writ petitions, namely, G. Lakshmi Devi, was duly elected in the elections conducted on 24.09.2005. In that view of the matter, the writ petitions cannot be entertained. If so advised, the petitioners may file appropriate election petition before the jurisdictional Election Tribunal. If such election petition is filed in accordance with law, the same shall be disposed of within a period of six months thereafter.”

From bare perusal of the prayer and the observations made by the learned Single Judge it is clear that writ appeal has rendered infructuous long back.

Learned counsel for the appellant repeatedly submitted that the questions of law need to be decided in this appeal. We do not agree with him.

Hence, we dismiss the appeal as infructuous. The questions of law raised by the appellant are kept open to be raised in appropriate proceedings.

Miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

DILIP B.BHOSALE, ACJ

P.
NAVEEN RAO, J

Date: 29.04.2016

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