

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

Writ Petition (PIL) No.3 of 2015

ORDER: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This writ petition is filed in public interest to declare the action of the respondents in not conducting elections to the Greater Hyderabad Municipal Corporation as, among others, to be in violation of Article 243U of the Constitution of India. A challenge is also made to the validity of Section 70G of the Greater Hyderabad Municipal Corporation Act, 1955 (for short "the Act"), and for a declaration that the provision is ultra vires Article 243U(3)(a) of the Constitution of India.

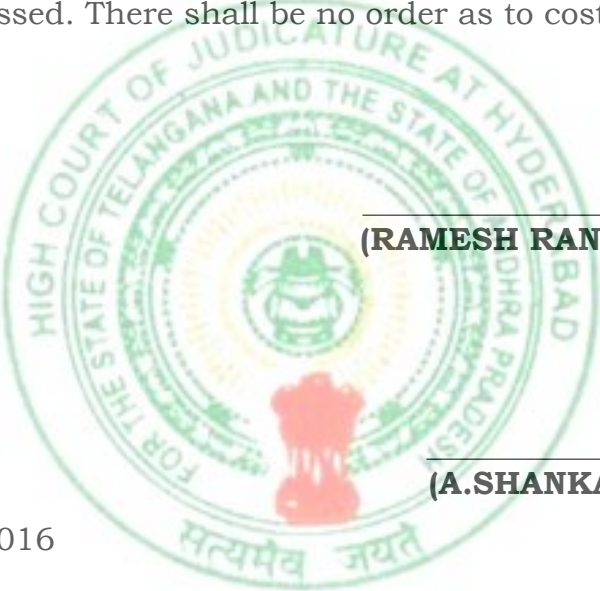
After the writ petition was filed on 24.12.2014, elections to the GHMC were held, and an elected body has assumed office in February, 2016. The consequential relief sought for in the writ petition, i.e for elections be held to GHMC, no longer survives as an elected body has already assumed office in February, 2016, and its term is for a period of five years.

Sri Siva Raju Srinivas, learned counsel for the petitioner, would, however, contend that the issue raised in the writ petition is of larger public importance, and would apply to all Municipal Corporations in both the States of Telangana and Andhra Pradesh, as the provisions of the Act are being followed in these Municipal Corporations also.

The respondents, arrayed in this writ petition, include the State of Telangana represented by its Chief Secretary and the Special Officer of the Greater Hyderabad Municipal Corporation. None of the other Municipal Corporations, even within the State of Telangana, are arrayed as respondents. It would be wholly inappropriate for us, therefore, to decide this issue in the context of elections due to be held in other Corporations in the State of Telangana in April, 2017.

Notwithstanding the fact that the issue is of considerable significance, we must bear in mind the settled law that Courts would not examine academic issues; and it is only if some injury is being caused or some right is affected by the provisions of an enactment, would this Court examine its constitutional validity. As an elected body has assumed office in the GHMC, we see no reason to examine the issues raised in this writ petition. Suffice it to make it clear that the questions raised in this writ petition are left open for examination in appropriate legal proceedings, as and when such questions arise for consideration.

As the cause in the writ petition does not survive, the Writ Petition (PIL) is dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

08th November 2016
JSU

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