

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

Writ Petition No.1758 of 2016

Dated 22nd January, 2016

Between:

Palugucheruvu Nagmani

...Petitioner

And

The Telangana State Election Commission Greater Hyderabad
Municipal Corporation, 5th Floor, DTCP Building, Opp:PTI Building,
AC Guards, Hyderabad rep.by the Election Commissioner and others

...Respondents

Counsel for the petitioner: Sri Bingi Venkata Swamy

Counsel for respondent Nos.1 & 4: AGP for Revenue

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of the respondents in accepting the nomination of respondent No.5 as illegal and arbitrary.

At the hearing, Sri P.Kesava Rao, learned Standing Counsel for GHMC representing respondent No.3, on instructions, submitted that the nomination of respondent No.5 for Ward No.60 of Rajendranagar has been accepted under SC (Woman) category.

It is well settled principle of law that acceptance or rejection of nominations constitutes an election dispute and Article 243(Z)(G)(b) of the Constitution of India imposes a bar on entertainment of such dispute otherwise by an election dispute. Under Section 71 of the Greater Hyderabad Municipal Corporation Act, 1955 if a person is

aggrieved by an election, he is entitled to raise an election dispute before the Tribunal constituted after completion of the election process within the stipulated time after completion of election.

In the light of the above, the writ petition cannot be entertained and the same is accordingly dismissed however with liberty to the petitioner to raise an election dispute.

As a sequel to dismissal of the writ petition, WP.M.P.No.2225 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

22nd January, 2016
VGB