

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

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PUBLIC INTEREST LITIGATION Nos. 249 & 144 of 2015

Date: 07.04.2016

PIL.No.249 of 2015

Between:

G. Krishnaiah.

... Petitioner

And

The State of A.P., rep., by its Principal Secretary,
Municipal Administration & Urban Development Dept.,
Hyderabad & others.

... Respondents

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

PUBLIC INTEREST LITIGATION Nos. 249 & 144 of 2015

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

Heard learned counsel for the parties.

In both the public interest litigations the prayers made are similar. The prayers in P.I.L.No.249 of 2015 read thus:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that the Hon'ble Court may be pleased to issue a Writ, direction or an order, one more in the nature of a Writ of Mandamus:

- i. Declaring the action of the Respondents in not conducting elections to the Kurnool Municipal Corporation in the past 5 years as illegal, arbitrary and unconstitutional and in violation of Article 243U of the Constitution of India;
- ii. Declaring Section 17 of the Andhra Pradesh Municipal Corporation Act, 1994, as ultra vires of Article 243U(3)(a) of the Constitution of India and Strike down Section 17 of the Andhra Pradesh Municipal Corporation Act, 1994;
- iii. Consequently set aside the G.O.Ms.No.425, dated 29.09.2010, and the other successive G.O.Ms periodically extending the tenure of the Special Officer of the Kurnool Municipal Corporation, issued by the 1st Respondent; and
- iv. Consequently direct the Respondents to conduct elections to the Kurnool Municipal Corporation within a definite specified period of time; and

v. Pass such other order or orders as this Honble Court may deem fit and proper in the circumstances of the case and in the interest of justice.”

During pendency of these petitions, the State Election Commissioner has been appointed and represented by Sri V.V. Prabhakar Rao, learned counsel. He submits that once all preparations for holding elections are completed, the Election Commission shall hold elections for Kurnool and Kakinada Municipal Corporations within a period of 60 days.

Learned Advocate General for the State of Andhra Pradesh has placed on record the letter, dated 06.04.2016, received by him from the Principal Secretary to Government, Municipal Administration and Urban Development Department, A.P. Secretariat, Hyderabad, which provides a schedule, that has been fixed by the Chief Electoral Officer, for finalization of final rolls and its publication.

We have perused the schedule. It shows that they have already commenced the process with assigning systematic house numbers through ULB Town Planners in February, 2016 and will complete the same with intimation to State Election Commissioner (SEC) about their readiness to conduct the elections on 24.09.2016. We have taken the letter of the Principal Secretary, dated 06.04.2016, with the schedule on record and marked as ‘X’ for identification.

Learned Advocate General, on behalf of the Principal Secretary to Government, MA & UD Department, undertakes that Chief Electoral Officer shall complete the process as stated in the schedule. The undertaking given on behalf of Chief Electoral Officer is recorded and accepted.

Sri V.V. Prabhakar Rao, learned counsel for State Election Commission, has also given an undertaking that the Election

Commissioner will complete the election process within a period of two months from the date of intimation to him about the publication of final voters list as provided for in the schedule. The undertaking given on behalf of State Election Commission is also recorded and accepted.

In view thereof, nothing further survives in these public interest litigations. The PILs are disposed of with the direction to the concerned officers including Chief Electoral Officer and State Election Commissioner to complete the election process within the time stipulated in the schedule and as per the statements recorded and accepted in this order.

Miscellaneous petition, if any, shall also stand disposed of.

DILIP B.BHOSALE, ACJ

RAO, J

P. NAVEEN

Date: 07.04.2016

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