

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.1577 of 2016

Dated: 21.01.2016

Between:

V.Sujivan

.. Petitioner

And

The State of Telangana
rep. by its Prl. Secretary,
Municipal Administration Department,
Secretariat, Hyderabad
and two others.

..
Respondents

Counsel for the Petitioner : Mr. V.Raja Gopal
Reddy

Counsel for Respondents 1 & 2 : AGP for Municipal
Administration (TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a Mandamus to declare the proposed election to be held on 23.01.2016 for filling up the vacancy of the co-opted member for the Municipal Council of respondent No.3, as illegal and arbitrary.

The petitioner pleaded that in pursuance of notice in ROC.No.613/2014, dated 27.08.2014, issued by the Commissioner of respondent No.3 Municipality, the petitioner has applied for being appointed as co-opted member. The grievance of the petitioner is that instead of completing the process of co-option within the time prescribed under Rule 5 of the Andhra Pradesh Municipal Councils/Nagar Panchayats (Co-option of Members having Special Knowledge or Experience in Municipal Administration) Rules, 1995 (for short, 'the Rules'), respondent No.3 is proposing to elect the co-opted member after more than one year of issuance of notice.

No doubt under Rule 5 of the Rules, applications for co-option shall be filed within 60 days from the date of first meeting of the Council and the members shall be co-opted at least in the third meeting even without quorum. When the petitioner requested for furnishing of information as to why co-option did not take place within the time stipulated in Rule 5 of the Rules, it was replied that the Chairperson has failed to fix the date for election of co-opted member.

At the hearing, when this Court has asked the learned counsel for the petitioner as to what prejudice will be caused to his client if co-option takes place at this point of time and whether stopping of co-option will enure to the petitioner's benefit, the learned counsel could not give any satisfactory reply.

In my opinion, as the petitioner failed to show any prejudice on account of non-completion of the process of co-option within the time stipulated in Rule 5 of the Rules, I am not inclined to interfere with the proposed co-option process merely because the same could not be completed within the time stipulated in Rule 5 of the Rules. Moreover, as could be seen from the information furnished by respondent No.3, the petitioner is also one of the applicants for co-option and that, therefore, he will stand to gain if respondent No.3 goes on with the co-option process, as there is a chance of the petitioner being co-opted.

In the above facts and circumstances of the case, I do not find any merit in this writ petition and the same is accordingly dismissed.

As a sequel to the dismissal of the writ petition, WPMP.No.1993 of 2016 filed by the petitioner for interim relief is disposed of as infructuous.

JUSTICE C.V. NAGARJUNA REDDY

21-01-2016

v v