

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5412 of 2017

ORDER:

This Writ Petition is filed for the following relief:

“...to issue a writ of mandamus or any other appropriate writ order or direction declaring the action of the respondents 2 to 5 in not taking any action on the representation submitted by her on 19.09.2016 against continuance of the 6th respondent as Corporation for Ward No.28 of Rajahmundry Municipal Corporation, in accordance with the provisions of the GHMC Act especially U/s.23-D of the same forthwith as illegal, arbitrary etc., and grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri V.V.L.N. Sarma, learned counsel for the petitioner and Sri Ancha Panduranga Rao, learned Standing Counsel for the Rajahmundry Municipal Corporation.

It is submitted by the learned counsel for the petitioner that the issue involved in this Writ Petition fell for consideration before this Court in W.P.No.15034 of 2014 and batch, which was disposed of by common order dated 02.09.2014.

In the light of the order proposed to be passed by this Court, there is no necessity to put the 6th respondent on notice as no issue is sought to be adjudicated on merits at this stage.

The complaint of the petitioner is that the 6th respondent suffered ineligibility for being elected as Corporator. Section 23-D of the Greater Hyderabad Municipal Corporation Act, 1955 (in short “the Act”), deals with the authority to decide questions of disqualification of members and the Mayor. A similar provision in

the Andhra Pradesh Municipalities Act, 1965, viz., Section 17, fell for consideration in W.P.No.15034 of 2014 and batch. This Court held that it would not be necessary for a person aggrieved to file an Election Petition and recourse could be taken to the Commissioner of the Municipal Body for the purpose of examining the alleged disqualification/ineligibility.

For the reasons alike as were mentioned in the afore-stated common order dated 02.09.2014 in W.P.No.15034 of 2014 and batch and in terms thereof, the writ petition is disposed of directing the Commissioner, Rajahmundry Municipal Corporation, to exercise powers under Section 23-D of the Act and take appropriate action thereon in accordance with law. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

Miscellaneous Petitions pending, if any, shall also stand closed in the light of this final order. No order as to costs.

Date:28.03.2017
Ssv

CHALLA KODANDA RAM, J.