

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.15340 of 2009

ORDER:

This Writ Petition is filed by the petitioners, under Article 226 of the Constitution of India, seeking to declare the action of the 1st respondent in passing the orders, dated 19.12.2008, in No.2547/SEC-B1/2007-(ZPTC) declaring the 40 ZPTC contested candidates to be ineligible for a period of 3 years from the date to issue of the order to contest any election to be held for any office under the provisions of the Andhra Pradesh Panchayat Raj Act, 1994, as illegal, arbitrary and against the principles of natural justice and provisions of Andhra Pradesh Panchayat Raj Act, 1994 and Andhra Pradesh Panchayat Raj (Conduct of Election) Rules, 2006, and to set aside the same.

2. Heard both sides and perused the material available on record.

3. On perusal of the record, it is evident that while admitting the writ petition, this Court passed an interim order, dated 30.07.2009, in W.P.M.P.No.20135 of 2009, which reads as follows:

“The impugned order discloses that as many as 40 candidates were disqualified, on the ground that they did not submit the accounts of election expenditure within the stipulated time. The order is silent as to the date of service of notice.

Hence, there shall be interim suspension of the impugned order, insofar as it relates to the petitioners.”

4. Admittedly, the impugned order passed in the year 2008 will be in existence only for a period of three years. The said period is already over. Hence, this Court is of the view that nothing survives in this writ petition for adjudication in view of the interim order, dated 30.07.2009, passed by this Court and the same becomes infructuous.

5. Accordingly, the Writ Petition is dismissed as infructuous. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 5th September, 2017

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