

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.6476 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“To issue a writ order or direction more particularly in the nature of writ of Mandamus questioning the action of the Respondents 1 to 4 in not including my name in the electoral Rolls and also not considering my objections to the particulars of the other voters entry in the Electoral Rolls and issuing of notification vide No. 143/TSEC-PR/2017, dt. 20-02-2017 for conducting election for the post of Sarpanch of the R-Itikyal Village, Regode Mandal, Medak District under the provisions of the Representation of the People Act, 1950 (contract Act 43 of 1950) and the Registration of Electoral Rules 1960 and the same is illegal, arbitrary, discriminatory and violative of the fundamental rights guaranteed under Article 14 of the Constitution of India and provisions of Telangana State. Panchayat Raj Act, 1994 and Telangana State Panchayat Raj (Conduct of Elections) Rules, 2006 and consequently stay the Election Notification No. 143/TSEC-PR/2017, dt. 20-02-2017 for conducting election until include my name in the voter's list so as to enable me to contesting the election for the post of Sarpanch of the Ritikyal Village, Regode Mandal, Medak District.”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for respondent No.1 and Sri D.Sudheer Rao for respondent No.2.

3. Petitioner herein is the resident of R-Itikyal Village, Regode Mandal, Medak District and presently he is officiating the post of Mandala Parishad Territorial Constituency (MPTC) of R.Itikyal Village and his voter I.D.No.DJS2728491. The greivance of the petitioner in the present writ petition is non-inclusion of his name in the voters list.

4. Admittedly, in the present case, the State Election Commission issued a notification bearing No.143/TSEC-PR/2017, dated 20.02.2017 commencing the process of elections.

5. When the matter is taken up, a primary objection as to the maintainability of the writ petition is taken by the learned Standing Counsel for the second respondent stating that once the election process commences, in view of the provisions of Article 243 of the Constitution of India, no writ petition is maintainable under Article 226 of the constitution of India.

6. Admittedly, in the present writ petition, election notification has been issued commencing the process of elections. Therefore, this writ petition does not merit any consideration of this court.

7. For the aforesaid reasons, writ petition is dismissed. However, it is open for the petitioner to avail the alternative remedies available. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

Date:27.02.2017
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A.V.SESHA SAI, J

THE HON'BLE SRI JUSTICE A.V.SESHA SAI



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Dated 27.02.2017

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