

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No:19646 OF 2017

ORDER:

1. This writ petition is filed by the petitioner seeking to direct the 6th respondent to apply to the District Judge, Ananthapur seeking disqualification of the 7th respondent as per Section 17 of The Andhra Pradesh Municipalities Act, 1965 and also to direct the 2nd respondent to initiate criminal proceedings against the 7th respondent for obtaining caste certificate by furnishing false information.

2. The case of the petitioner is as follows:

The petitioner belongs to “Shaik” community (BC-E) and she filed nomination to the 22nd ward of Kadiri Municipality, which is reserved for BC-E women. The 7th respondent obtained a false community certificate of BC-E. The 7th respondent belongs to Pataan community, which is not recognized as Backward Community. The petitioner presented an objection petition bringing to the notice of the 4th respondent that the community certificate filed by the 7th respondent along with nomination form is false. She also requested the 4th respondent to cancel the community certificate issued to the 7th respondent. Basing on her objection, an enquiry was conducted and it was concluded that the 7th respondent obtained the community certificate by misrepresentation. Meanwhile, the election was conducted and the 7th respondent was elected as member to the Kadiri Municipality. Subsequently, on representations made by the petitioner, the District Level Scrutiny Committee conducted enquiry and forwarded a report holding that the 7th respondent does not belong to BC-E community. The 2nd respondent cancelled the BC-E certificate issued to the 7th respondent. Then, the petitioner addressed a

letter to the 6th respondent intimating about the disqualification incurred by the 7th respondent. But the 6th respondent has not taken action so far.

3. Heard and perused the material available on record.

4. The learned Government Pleader for Social Welfare submitted that against the cancellation of the caste certificate, the 7th respondent preferred an appeal before the appropriate authority and the order of cancellation has already been kept in abeyance.

5. Considering the circumstances of the case and the above submission, without expressing any opinion on merits, this Court is inclined to pass the following order:

“If the order of cancellation of the 7th respondent’s caste certificate has not already been kept in abeyance by the authorities concerned, the 6th respondent is directed to proceed in accordance with law.”

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Date: 16th June, 2017
Nn.

HONOURABLE SRI JUSTICE RAJA ELANGO



16.06.2017

Nn.