

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Petition No.7833 of 2013

ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

The relief sought for in this writ petition is to direct the respondents to clarify whether a candidate having a third child, who was born due to medical negligence (failure of sterilization), is eligible to contest in the panchayat elections or not, and in not granting exemption to the petitioner to contest in the elections.

By interim order dated 15.03.2013, this Court directed respondents 2 to 4 to consider the petitioner's representation dated 21.01.2013, and to pass appropriate orders in accordance with law. In his counter affidavit, the 4th respondent has stated that the petitioner's representation was considered, the Government took a decision to reject the petitioner's request, and the same was communicated to him vide proceedings dated 02.05.2013.

The Gram Panchayat elections were subsequently held in July-August 2013 and, in view of the bar under Section 19(3) of the A.P.Panchayat Raj Act, the petitioner, as he was having a third child, was held ineligible to participate in the said elections. As the petitioner's representation was considered and rejected vide proceedings dated 02.05.2013, his remedy is only to question the said proceedings before the appropriate Forum. The cause in this writ petition does not, however, survive necessitating any further adjudication by this Court.

The Writ Petition has become infructuous and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

24th January, 2017
JSU

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Date: 24.01.2017

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