

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3473 OF 2015

DATED :13.12.2018

Between :

P. Pavan S/o.Gangadhar,
Aged 29 yrs, Occu : Agriculture, R/o.7-20,
Morthad (V & M), Nizamabad District.

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Petitioner

And

State of Telangana,
Rep., by its Principal Secretary
Panchayat Raj & Rural Development,
(MDL-II), Dept., Secretariat Buildings,
Hyderabad & others.

...

Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner.

2. Petitioner is elected as member of Mandal Parishad Territorial Constituency, Morthad-2, Nizamabad District, on behalf of Indian National Congress Party in the elections held in the year 2014. On 04.07.2014 a special meeting was convened for election of President and Vice-President of Morthad Mandal. It appears, the party has issued a whip asking the members to vote the candidates sponsored by the party. Alleging that petitioner violated the whip issued and voted against the party candidate, the Mandal Congress President complained to the competent authority to initiate action to disqualify him, and notice dated 10.07.2014 was issued to the petitioner by the 4th respondent. It appears, petitioner submitted his explanation on 12.08.2014. While so, on 08.12.2014 he was issued another notice making some allegations. These notices are challenged in this writ petition.

3. Learned counsel for the petitioner submits that when a notice was issued earlier and petitioner already submitted his explanation, there is no justification to call for another notice without considering the explanation already offered. He also sought to contend that the notice issued is not valid in law and the question of disqualification of petitioner does not arise. Learned counsel also submits that on 02.01.2015 petitioner also submitted his explanation to the second show cause notice.

4. It appears, no decision was taken on the explanation offered by the petitioner to the first show cause notice dated 10.07.2014 and second show cause notice was issued.

5. However, it is not the case of petitioner that arbitrary decision was taken ignoring the explanation/objections filed by him. Though there is no reference to the reason why a second show cause notice was issued, but by issuing the same, no adverse consequence falls on the petitioner. Moreover, as the petitioner has already submitted his explanation, the Court is not inclined to keep the writ petition pending.

6. Accordingly, the Writ Petition is disposed of directing the competent authority to consider the explanations offered by the petitioner to the first show cause notice as well as second show cause notice and take appropriate decision, as warranted by law, by assigning due reasons in support of the decision. Pending miscellaneous petitions shall stand closed.

13th December, 2018
Rds

P.NAVEEN RAO,J