

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

AND

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.32667 of 2018

ORDER: (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

This Writ Petition is filed seeking a declaration that the action of the respondents in “trying” to issue Election Notification to conduct the Telangana State Assembly elections before the tenure of five years is illegal, arbitrary and unconstitutional, and to consequently direct the second respondent - Election Commission of India, not to issue the Election Notification to conduct the Assembly elections in the State of Telangana before the tenure of five years.

2. Apart from the Election Commission of India, the Union of India, Telangana State Election Commission and the State of Telangana are the respondents.

3. We have heard the learned counsel for the petitioner on the basis of the pleadings on record.

4. The Writ Petition appears to be founded on a presumption that elections, if held before five years, will amount to be against the will and wish of the voters/people. The decision of the Council of Ministers of the State of Telangana is stated to be motivated to have the next elections to the State Assembly of Telangana conducted along with the Assembly elections for the States of Rajasthan, Madhya Pradesh and Chhattisgarh. These are not matters to be visited through judicial intervention,

unless there is violation of the Constitution and the laws which govern the dissolution of Assemblies and declaration of elections by the competent authority. No such infraction is made out.

5. We are also not prepared to assume that the Election Commission of India may dance to tunes, as is assumed by the writ petitioner. The Election Commission of India has a constitutional role as an institution of national life and involved in the working of the constitutional mechanism of national governance and is governed by constitutional principles and statute laws.

6. We see that no case of violation of constitutional provisions or statutory provisions is made out in this Writ Petition.

7. For the aforesaid reasons, we decline to entertain this matter.

In the result, this Writ Petition is dismissed.

The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

12.09.2018
vs