

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

W.P. No. 38172 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in failing to conduct election to the office of Chairperson of the 2<sup>nd</sup> respondent Badangpet Municipality, in terms of Section 26-A of Municipalities Act, 1965, as illegal, arbitrary and improper.

2. Though various grounds are raised in the writ petition, the learned counsel for the petitioner restricts his prayer seeking a direction to the respondents to dispose of the representation made by the petitioner on 15.10.2018.

3. The learned Senior Counsel Sri D.V.Seetarama Murthy appearing on behalf of the petitioner would submit that though the post of Chairperson of the 2<sup>nd</sup> respondent-Municipality fell vacant more than a month back, till date, no person has been appointed as Chairperson. He would submit that the petitioner made a representation on 15.10.2018 to all the respondents, including the 6<sup>th</sup> respondent, who is the appropriate authority to hold the elections, requesting to take steps in holding elections to the post of Chairperson of the 2<sup>nd</sup> respondent-Municipality.

4. It is represented by the learned counsel appearing for the 6<sup>th</sup> respondent, Sri P.Sudheer Rao that as per the provisions of law, elections have to be held within a period of six months from the date on which the post fell vacant.

5. Having regard to the fact that the post of the Chairperson of the 2<sup>nd</sup> respondent-Municipality fell vacant more than a month back, the present writ petition is disposed of with consent, directing the 6<sup>th</sup> respondent to deal with the representation of the petitioner dated 15.10.2018, wherein a request was made by the petitioner for holding election to the post of Chairperson of the 2<sup>nd</sup> respondent-Municipality, in accordance with law, as early as possible, preferably, within a period of week or ten days from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this writ petition, shall stand closed.

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JUSTICE C. PRAVEEN KUMAR

23.10.2018

Note: Issue cc tomorrow

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