

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3512 OF 2015

DATED :13.12.2018

Between :

Ruma Kaleem W/o.Misbauddin,
Aged 30 yrs, Occu : Housewife,
R/o.A.T.80, Pochampad, Balkonda Mandal,
Nizamabad District.

..

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 a resident of Pochampad, Balkonda Mandal, Nizamabad District. He was elected as member of Mandal Parishad Territorial Constituency, Soanpet-2, Balkonda Mandal, Nizamabad District, on behalf of Indian National Congress Party in the elections held in the year 2014.

3. On 04.07.2014, a special meeting was convened for election of President and Vice-President of Balkonda Mandal. The Congress party issued a whip directing its members to vote on behalf of the candidates sponsored by it. The Congress Party Whip complained that in the elections held on 04.07.2014, petitioner has voted against the candidates sponsored by the party and therefore, amounts to violating the whip and thus attracting disqualification. Based on the complaint filed by the Whip of Congress party, petitioner was served with notice dated 18.07.2014 calling upon him as to why action should not be taken to disqualify him. Petitioner claims to have filed his explanation on 13.08.2014. However, this writ petition is filed praying to stay all further proceedings in pursuant to the notice issued.

4. It is not in dispute that the Presiding Officer, Mandal Praja Parishad is the competent authority to issue notice calling upon the member of the Mandal Praja Parishad, to explain as to why action should not be taken on the allegation of violating the whip issued by the party and accordingly, the notice was issued.

5. Learned counsel for the petitioner sought to contend that there is no truth in the allegations made against the petitioner and that he has not violated the whip issued. Since the notice was issued by the competent authority and petitioner has already filed his explanation, the Court is not inclined to go into the merits of the allegations made against him, even before a decision is taken by the competent authority.

6. Accordingly, the Writ Petition is disposed of. However, the competent authority shall consider the objections already filed by the petitioner objectively and take appropriate decision as warranted by law and communicate the same to the petitioner by a reasoned order. Pending miscellaneous petitions shall stand closed.

13th December, 2018
Rds

P.NAVEEN RAO,J

