

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.292 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may be pleased to issue an appropriate writ, direction or order, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent authorities, in not granting permission to the petitioner for contesting in forthcoming Panchayat elections at Patharlapadu Village by considering the petitioner's representation dated 27.12.2018 as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents to grant the permission for considering the forthcoming Panchayat elections by considering the petitioner's representation dated 27.12.2018, GOMs.No.1148 and 1149 dated 11.7.2013 and order in WP.Nos.23854 and 24267 of 2018 and to pass such other further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

It is the case of the petitioner that his wife underwent a Tubectomy operation in the year 2000 but owing to the failure thereof she delivered a third child in 2002 and he made representation dated 27.12.2018 to the Government requesting that he may not be treated as disqualified for contesting the ensuing Gram Panchayat elections.

Ms.B.Rajeswari, learned counsel representing Ms.T.Rajya Lakshmi, learned counsel for the petitioner, would state that in similar circumstances the erstwhile Government of Andhra Pradesh had considered the plea of an identically situated person and issued G.O.Rt.No.1148, Panchayat Raj and Rural Development (Election & Rules) Department, dated 11.07.2013 holding to the effect that despite the birth of a third child after failure of the sterilization operation, the person would be eligible to contest the election.

As the authorities are yet to bestow their consideration to the representation dated 27.12.2018 made by the petitioner, the writ petition is disposed of directing the respondent authorities to consider the same on its own merits and in accordance with law and take a decision. The said decision shall be taken forthwith as the last date for filing of nominations is 07.01.2019.

Having regard to the paucity of time, the learned Government Pleader for Panchayat Raj, State of Telangana, is requested to communicate the operative portion of this order to the respondent authorities so that they may take action forthwith without waiting for communication of a copy of this order from this Court.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:04.01.2019

GJ

JUSTICE SANJAY KUMAR

