

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.314 OF 2019

O R D E R:

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not considering the petitioner’s representation / objections dated 29.12.2018 submitted before the 4th respondent as arbitrary, illegal and unconstitutional and consequently stay the Panchayat Elections in Koyyalagudem and Yellambavi Gram Panchayats while considering the objections submitted by the petitioner before the 4th respondent on 29.12.2018 and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2 The petitioner’s representation dated 29.12.2018 relates to the reconstitution of Koyyalgudem and Yellambavi Village Gram Panchayats. Section 3 (2) of the Telangana Panchayat Raj Act, 2018 (for brevity, ‘the Act of 2018’) empowers the Government by notification to amend or alter the villages specified in Schedule VIII thereto, by either forming a new village or increasing or diminishing the local area of a village. The Government is also empowered to alter the boundaries or the name of any village apart from removing a village from the purview of the Act altogether. In the event, the Government proposes to exercise power under Section 3 (2) of the Act of 2018, it is required to lay the notification proposed to be issued by it, in draft, before each House of the State Legislature and abide by the decision of the House. As per Section 3 (4) of the Act of 2018, from the date of issuance of a notification under Section 3 (2) of the Act of 2018, Schedule VIII shall stand amended or altered as notified.

3 Sri D.L. Pandu, learned counsel for the petitioner, does not dispute the fact that a notification has already been issued under Section 3 (2) of the Act of 2018 in relation to the reconstitution of the subject villages.

4 That being so, the petitioner has no right to make a representation seeking modification of the said notification. The stage of raising objections is past as it is only the People's Representatives in the two Houses of the State Legislature who are entitled to do so. If the petitioner had any objection to the proposed reconstitution, he ought to have taken care to see that his People's Representative raised an issue at the appropriate stage. Having failed to do so, it is not open to the petitioner to make a belated representation and seek consideration thereof on its merits. The petitioner, in the scheme of the Act of 2018, has no right to make such a representation at all.

5 The Writ Petition is therefore utterly misconceived and is accordingly dismissed.

6 Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

21st January, 2019
Kvsn