

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION No.889 of 2019**

**ORDER:**

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

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue of Mandamus or any other writ declaring the action of Respondents No.4 herein for rejecting the nomination filed by the petitioner herein without conducting preliminary examination/Verification and not communicating the lacuna to the Petitioner herein and thereby unanimously declaring Asiya Begum as the Sarpanch of Kukuda Village Grama Panchayath, Bejjur Mandal, Kumrambheem Asifabad District as illegal, arbitrary and in contravention to the circular dated 1-9-2017 No.458/TSEC-PR/2017 and consequently direct the Respondents herein to review his decision of rejecting the nomination of the Petitioner herein and validate the candidature of Petitioner herein by allowing the petitioner to rectify the lacuna in the nomination papers and thereby allow the Petitioner to contest in the election for the post of Sarpanch Kukuda Village Grama Panchayath, Bejjur Mandal, Kumrambheem Asifabad District by conducting such election and pass such other order or orders may deem fit and proper in the circumstances of the case.'

It is an admitted fact that the election to the post of Sarpanch of Kukuda Village Gram Panchayat, Bejjur Mandal, Kumrambheem Asifabad District, was scheduled to be held on 21.01.2019 but as one Asiya Begum was the sole candidate left in the fray, she was unanimously declared as the Sarpanch.

It may be noted that the said Asiya Begum is not made a party to this writ petition and no specific relief has been sought by the petitioner to set aside her unanimous election to the post. In the absence of the affected candidate and given the binding edict of the Supreme Court in **N.P.PONNUSWAMI V/s. THE RETURNING OFFICER, NAMAKKAL CONSTITUENCY, NAMAKKAL, SALEM DISTRICT<sup>1</sup>**, this Court cannot entertain this writ petition or adjudicate the issue sought to be raised herein.

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<sup>1</sup> AIR 1952 SC 64

The writ petition is accordingly dismissed on this short ground. This order shall however not preclude the petitioner from filing an election petition on the strength of the ground raised herein in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

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**JUSTICE SANJAY KUMAR**

Date:21.01.2019

PGS