

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.924 OF 2019

O R D E R:

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ, order or direction, more particularly in the nature of Writ of Mandamus, by declaring the actions in preparing the electoral rolls of Sardarnagar Village, Shabad Mandal, R.R. District for the Panchayat Raj Elections scheduled to be held on 30.01.2019 in the Third Phase as illegal, arbitrary, unconstitutional and violative of the provisions of Telangana Panchayat Raj Act 2018 and the rules made there under and consequently direct the respondents to prepare the voters list by deleting the other ward voters as well the names of persons who were shown in Sardarnagar Gram Panchayat as well in Kuruvaguda Gram Panchayat and Kakloor, and also as mandated by the Telangana Panchayat Raj Act and the rules made there under before conducting elections to Sardarnagar Shabad Mandal, R.R. District scheduled and pass such other orders as may deem fit and proper in the circumstances of the case.”

2 It is an admitted fact that the electoral list for Sardarnagar Village Gram Panchayat, Shabad Mandal, Ranga Reddy District was published on 17.05.2018 and even prior thereto, the petitioners submitted their representation on 08.05.2018 requesting the Revenue Divisional Officer, Chevella Division, Ranga Reddy District, to take note of the wrong entries made in the voters’ list.

3 Sri G.Vidyasagar, learned senior counsel representing Sri P. Sudheer Rao, learned counsel for the Telangana State Election Commission, would inform this Court that thereafter upon revision of the electoral list for the assembly constituency covering the subject gram panchayat, further corrections were made in the electoral list and later, in terms of the election schedule, the ward wise electoral roll of this gram panchayat was displayed by the Returning Officer on 16.01.2019.

4 In the light of the above facts, though the election to the subject gram panchayat is to be conducted on 30.01.2019, it is too late in the day for this Court to entertain the present writ petition and adjudicate upon the issues raised herein. Doing so would be in violation of the law laid down by the Supreme Court in **N.P. Ponnuswami vs. Returning Officer, Nammakkal Constituency, Nammakkal, Salem District**¹.

4 The Writ Petition is accordingly dismissed on this short ground. This order shall however not preclude the petitioners from invoking appropriate remedies available to them in law, if they are aggrieved by the conduct of the subject election.

5 Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

22nd January, 2019
Kvsn

¹ AIR 1952 SC 64