

**THE HONOURABLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION NO.998 OF 2019**

**ORDER**

Heard Mr.K.Venumadhav, learned counsel for the petitioner, Mr.Rakesh Sanghi, learned counsel on caveat for the seventh respondent, and Ms.Priyanka Singh, learned counsel representing Mr.P.Sudheer Rao, learned counsel for the Telangana State Election Commission.

The grievance of the petitioner is that the election authorities are not taking any action upon his representations dated 17.01.2019 and 18.01.2019. It is his case that he was forcibly made to withdraw his nomination for contesting in the election to the post of Sarpanch, Mallapur Gram Panchayat. By way of this writ petition, he seeks a direction to the election authorities to take action against the seventh respondent and other culprits who forcibly caused him to withdraw his nomination. Perusal of the representations dated 17.01.2019 and 18.01.2019 however reflects that the petitioner did not even name the seventh respondent therein as one of the persons who was instrumental in making him withdraw his nomination.

As per the election schedule notified in Annexure-I to the election notification dated 01.01.2019, the last date for withdrawal of candidature in the election to the post of Sarpanch, Mallapur Gram Panchayat, is 17.01.2019 and the election is scheduled to be held on 25.01.2019. It is however stated by the learned counsel that after the withdrawal of the petitioner's nomination, the seventh respondent is the only candidate left in the fray and would be declared unanimously as the Sarpanch of Mallapur Gram Panchayat.

Considering the nature of the allegations made in the writ affidavit which are vehemently disputed by Mr.Rakesh Sanghi, learned counsel for the seventh respondent, it would not be possible for this Court to undertake an inquiry and ascertain as to whether the petitioner was made to withdraw his nomination by force.

Though Mr.K.Venumadhav, learned counsel, would point out that such a measure would constitute a corrupt practice under Section 211 of the Telangana Panchayat Raj Act, 2018, unless the ingredients of the corrupt practice are established beyond doubt, it would not be open to this Court to interfere in the matter at this stage. All the more so, in the light of the law laid down by the Supreme Court in **N.P.PONNUSWAMI V/s. RETURNING OFFICER, NAMAKKAL CONSTITUENCY, NAMAKKAL, SALEM DISTRICT<sup>1</sup>**.

The writ petition is therefore dismissed on this short ground. This order shall however not preclude the petitioner from invoking appropriate remedies available to him in accordance with law.

Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

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**SANJAY KUMAR, J**

**22<sup>nd</sup> JANUARY, 2019**

Sv

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