

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.1621 OF 2019

O R D E R:

1 The grievance of the petitioner is that the 6th respondent who is contesting for the post of 2nd Ward Member of Hanmanthupalli Village, Luxettipet Mandal, Mancherial District, is disqualified under Section 21 (3) of the Telangana Panchayat Raj Act, 2018 as he has three children, all born after 31.03.1995. He further complains that the Returning Officer, the 5th respondent herein, is not receiving his objections with regard to the said disqualification of the 6th respondent.

2 The election to the subject post is scheduled to be held today, viz., 30.01.2019. Sri Chandraiah Sunkara, learned counsel for the petitioner, fairly concedes that the petitioner did not raise any objections at the time of scrutiny of the nomination filed by the 6th respondent. In terms of the election schedule notified under Annexure-I to the Election Notification dated 01.01.2019, the scrutiny of nominations was taken up on 19.01.2019 upto 5.00 PM and the list of validly nominated candidates was published on the very same day after 5.00 PM. Any candidate aggrieved by rejection of his nomination was entitled to file an appeal and the last date fixed for disposal of such appeal was 21.01.2019. In the light of the aforestated election schedule and the admitted failure on the part of the petitioner to raise any objection as to the candidature of the 6th respondent at the relevant time, it is not open to this Court to interfere with the matter at this late stage and behind the back of the 6th respondent. Any such interference 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 and later decisions.

3 The Writ Petition is therefore dismissed on this short ground. This order shall however not preclude the petitioner from taking recourse to

¹ AIR 1952 SC 64

remedies available to him in law before the proper forum in accordance with the due procedure in the event the 6th respondent is elected.

5 Pending Miscellaneous Petitions, if any, shall also stand dismissed.

No order as to costs.

30th January, 2019
Kvsn

JUSTICE SANJAY KUMAR