

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.2070 OF 2019

ORDER

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

‘For the reasons stated in the accompanying affidavit, the petitioners pray that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the official respondents in not taking any action for conducting election to the post of new President, Mandal Praja Parishad, Choppadandi, Karimnagar District, despite the fact that the ‘No Confidence Motion’ was proved against the earlier President i.e. 9th respondent was declared on 26/11/2018 and intimated the same to the 1st respondent under the provisions of Telangana Panchayat Raj Act, 1994, as illegal, arbitrary, unconstitutional and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.’

The no confidence motion against the 9th respondent, the President of the Mandal Praja Parishad, Choppadandi, Karimnagar District, was approved unanimously on 16.11.2018 and the post fell vacant. The grievance of the petitioners presently is that steps are not being taken to conduct an election afresh to fill up the said post.

Despite the matter being adjourned thrice, the respondent authorities have not chosen to file a counter-affidavit.

In the light of the law laid down by a Constitution Bench of the Supreme Court as long back as in the year 2006 in KISHANSINGH TOMAR V/s. MUNICIPAL CORPORATION OF THE CITY OF AHMEDABAD¹, it is not open to the election authorities to remain somnolent in holding elections. The Supreme Court observed in that case

¹ (2006) 8 SCC 352

that the very object of introducing Part IX-A in the Constitution in relation to Municipalities was because local bodies were not working properly as timely elections were not being held, whereby nominated bodies were continuing for long periods of time. The aforestated observations would be equally applicable to Part IX-A of the Constitution relating to Panchayats. The observations made by the Supreme Court in the aforestated decision in relation to Article 243-U would also be equally applicable to Article 243-E relating to Panchayats. The mandate of the Supreme Court was that the Election Commission should try to complete elections on a time-bound basis.

In the case on hand, despite the President of the Mandala Praja Parishad, Choppadandi, Karimnagar District, being removed from office as long back as on 26.11.2018, it is an admitted fact that no steps have been taken to hold an election afresh to the said post. It is not open to the authorities and more particularly, the Telangana State Election Commission, to remain inactive in the matter.

The writ petition is accordingly disposed of directing the State of Telangana and the Telangana State Election Commission to initiate necessary measures to hold an election afresh to the post of President, Mandala Praja Parishad, Choppadandi, Karimnagar District, expeditiously and in any event, not later than three months from the date of receipt of a copy of this order, be it from whatever source.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

19th MARCH, 2019

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