

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6051 of 2019

ORDER:

The prayer of the petitioner 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of respondent No.4 in declaring the uncontested candidate as Sarpanch of Nelamarri village vide proceedings in Form XXVIII dated 21.01.2019 as illegal, arbitrary, contrary to law and consequently direct the respondents to consider the petitioner's representations dated 25.01.2019 and 29.01.2019 and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

Perusal of the record reflects that the petitioner was one of the contestants for the post of Sarpanch of Nelamarri Gram Panchayat in Munagala Mandal, Suryapet District, and Jalagam Somulu was declared elected as per the Form XXVIII issued by the Returning Officer on 21.01.2019. However, it appears that, by mistake, while declaring the name of the elected candidate therein, the Returning Officer showed it as 'Jalagam Saidulu' instead of 'Jalagam Somulu'.

Sri U.Ramanjaneyulu, learned counsel for the petitioner, admits that Jalagam Somulu is functioning as the Sarpanch of Nelamarri Gram Panchayat as on date.

In the event the petitioner is aggrieved by the declaration of Jalagam Somulu as the elected Sarpanch, an efficacious alternative remedy is provided to him by way of an Election Petition under the provisions of the Telangana Panchayat Raj Act, 2018. Without availing the said remedy, it is not open to the petitioner to come

before this Court by way of a Writ Petition assailing the election result. Be it noted that Jalagam Somulu is not even made a party to this Writ Petition.

The Writ Petition is accordingly dismissed for the aforesaid reasons leaving it open to the petitioner to invoke the alternative statutory remedy available to him in accordance with the due procedure.

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

25th March, 2019
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JUSTICE SANJAY KUMAR

