

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5176 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 a writ, order or direction more particularly one in the nature of writ of quo warranto against the returning of the 6th Respondent as elected candidate is illegal, arbitrary besides against to the Sec.21(3) of Telangana Panchayat Raj Act, 2018, for having 3 children born after 31st May, 1995 and consequently direct the 3rd Respondent to declare the returning of 6th Respondent as elected candidate for 6th Ward Member of Mittapally Gram Panchayat as disqualification and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of Justice.'

In the light of the order proposed to be passed by this Court without going into the merits of the matter, it would not be necessary to put the sixth respondent on notice or afford him an opportunity of hearing at this stage.

Perusal of the record reflects that the petitioner made a complaint to the District Collector, Mahaboobabad, on 28.01.2019 in relation to the very same issue which is sought to be raised in this writ petition in connection with the disqualification suffered by the sixth respondent.

In terms of Section 27 of the Telangana Panchayat Raj Act, 2018 (for short, 'the Act of 2018'), the District Collector is required, within two months from the date on which such intimation was given to him, to apply to the District Court having jurisdiction over the area in which the office of the Gram Panchayat is situated, for a decision on the alleged disqualification suffered by an elected member of a Gram Panchayat.

It is not open to the District Collector, Mahaboobabad, to remain inactive upon the petitioner's complaint.

In the light of the aforestated statutory provision and as the office of the District Collector, Mahaboobabad, received the petitioner's complaint on 28.01.2019 itself and the period of two months has not expired, the writ petition is disposed of directing the District Collector, Mahaboobabad, to take appropriate action upon the petitioner's complaint dated 28.01.2019 in the light of Section 27 of the Act of 2018 expeditiously.

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

Date:13.03.2019

GJ

JUSTICE SANJAY KUMAR

