

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7288 of 2019

ORDER:

This writ petition is filed for the following relief:

“..to issue writ or order or direction particularly one in the nature of mandamus declaring the action of the respondent no 1 in issuing the impugned proceedings dated 19-01-2018 U/sec 19B of Telangana Panchayat Raj Act 1994 and Rule 103(8) of the TPR (Conduct of Election) Rules 2006 in declaring the petitioner as ineligible for a period of 3 years from the date of issue of the impugned order to contest in any election to be held for any office under the provisions of TPR Act 1994 is illegal and arbitrary and liable to be set aside on the ground of laches and consequently direct the respondents to permit the petitioner to contest for the MPTC member for upcoming MPTC elections for the year 2019 without taking into consideration of the impugned proceedings dated 19012018 and also set aside the impugned order dated 19012018 and pass such other order or orders may deem fit and proper in the circumstances of the case...”

When the matter is taken up, learned Standing Counsel appearing for the State Election Commission fairly concedes that the issue raised in this writ petition is squarely covered by the common order dated 20.03.2019 passed by this Court in W.P.No.2630 of 2018 and batch.

In the aforesaid order, this Court had categorically held as under:

“Once the statute required the authorities to take steps ‘immediately’ or ‘as soon as may be’, they cannot sleep over such matters for years together and thereafter seek to justify the delay on their part. It may also be noted that in so far as

the elections held in 2013 were concerned, the stipulated period of forty-five days expired in September, 2013 itself, long before formation of the new State of Telangana and the issues that cropped up thereafter.

Be it viewed from any angle, this Court finds that the balance would tilt in favour of the petitioners, given the lapses on the part of the election authorities in giving effect to their statutory obligations. The orders of disqualification visited upon the petitioners by the Commission are accordingly set aside.”

In the present case, admittedly, the petitioner was elected as a Ward Member for the Thimmapur Gram Panchayat on 31.07.2013 and the time for submission of election expenditure is 45 days from the date of declaration of the results and respondent No.2 ought to have taken action, if any, immediately thereafter or within a reasonable time. However, the ratio laid down by this Court in the aforesaid order applies to the present case also.

Therefore, this writ petition is allowed in terms of the order, dated 20.03.2019, passed by this Court in W.P.No.2630 of 2018 and batch.

Miscellaneous petitions, if any, pending in this writ petition shall also stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

April 8, 2019
DSK