

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8074 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“..... to issue a Writ of Mandamus or any other appropriate Writ Order or direction particularly one in the nature of Writ of Mandamus the order passed by the 2nd respondent vide No.316/TSECPRPDP/2017-(1555), dated 12.01.2018 in exercise of the powers conferred under Section 19B of Telangana Panchayat Raj Act 1994 and Rule 1038 of TPR (Conduct of Elections) Rules 2006 as illegal arbitrary and violative of principles of natural justice consequently set aside the order of 2nd respondent vide No 316/TSECPRPDP/2017-(1555) dated 12.01.2018 in exercise of the powers conferred under Section 19B of Telangana Panchayat Raj Act 1994 and Rule 1038 of TPR (Conduct of Elections) Rules 2006 and pass”

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.

The writ petitions are allowed.”

In the present case, admittedly, the elections were held in the year 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.

JUSTICE CHALLA KODANDA RAM

17.04.2019.
Msr

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