

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8259 of 2019

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Panchayat Raj for respondent Nos.1,2 and 4, Sri G. Narender Reddy, learned Standing Counsel for respondent No.3 and Sri P.Sudheer Rao, learned Standing Counsel for respondent Nos.5 and 6.

2. This writ petition is filed seeking to declare the action of the respondents in allotting the petitioner's village Vатtemula under reserved category for Scheduled Castes instead of unreserved category without following G.O.Rt.No.771, dated 22.12.2018 and Census of 2011 Population Statistics, as illegal and arbitrary.

3. In the present case, the 5th respondent-Revenue Divisional Officer purports to have exercised his power in terms of Section 146 of the Telangana Panchayat Raj Act, 2018 (for short 'the Act'), in reserving the MPTC constituencies. There is no dispute that the basis for reserving the constituency is 2011 census population statistics. The case of the petitioner is that with respect to the Vатtemula MPTC constituency, there is variance in figures of the Scheduled Caste population, thereby the respondents have allotted the said constituency as reserved category in stead of unreserved (general) category.

4. The 5th respondent filed counter-affidavit. As per Proforma-II, at page No.56 of the material papers filed along with counter-affidavit, which was also obtained by the petitioner under Right to Information Act and produced the same as additional material paper during the course of hearing, the total population of Vattemula village is 3,702 and the Scheduled Caste population is 903, whereas, the respondents had taken the total population as 3,702 and the Scheduled Caste population as only 888. The assertion of the petitioner is that the said proforma-II was the basis for conducting of MPTC elections in 2014. Whereas, in the statement furnished by the learned Government Pleader, at the first instance, the Scheduled Caste population is shown as 903 and the total population is 3,702. There is no change in the Vattemula constituency insofar as MPTC elections are concerned. However, in Proforma-II prepared by the Revenue Divisional Officer, enclosed at page No.53 of the counter-affidavit, the total population was shown as 3,460 and the Scheduled Caste Population as 888 only as against 903. Therefore, there is total discrepancy with respect to the population of Vattemula village. It is to be noted that neither the MPDO nor the RDO is empowered to change the figures of population as they are of the current population, which are required to be taken based on the notified census population declared by the Census Department in 2011. Though the learned Government Pleader has made great effort in trying to convince the Court that the Revenue Divisional Officer, who was entrusted with the fixation of reservations, has made some adjustments based on the figures

furnished by the Tahsildar, the said document cannot be accepted for the simple reason that the census figures are required to be taken as notified by the Census Department. There being great discrepancy in the census figures, even as furnished by the concerned officials from time to time. Therefore, it is a fit case where the respondents have to direct the MPDO/RDO for re-verification of the population as they have not made successive efforts to establish the same. Therefore, I deem it appropriate to direct the 4th respondent to take necessary steps for fixation of reservation with respect to the petitioner's village Vатtemula in terms of Section 146 of the Act.

5. Accordingly, the Writ Petition is allowed, directing the 4th respondent to take necessary steps after re-verification of the figures strictly in accordance with 2011 census for fixation of reservation with respect to Vатtemula Village, Vemulavada Rural Mandal. No order as to costs.

6. Miscellaneous Applications, if any pending in this Writ Petition, shall stand closed.

CHALLA KODANDA RAM, J

26th April, 2019

Note:
Issue CC by Monday.

sj

