

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8351 of 2019

ORDER:

This writ petition is filed for the following relief:

“...to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the order No. 739/TSEC-L(KRMN)/2015-MPTC(25) dated 01.09.2018 declaring the petitioner as ineligible for a period of three years from the date of the order to contest any election for any office under the provisions of Telangana Panchayat Raj Act, 2018 as illegal, arbitrary, unconstitutional, contrary to principles of natural justice, violative of Art 14, 19 and 21 of the Constitution of India and without any justification and set aside the Order No. 739/TSEC-L(KRMN)/2015-MPTC(25) dated 01.09.2018 issued by the 2nd respondent and consequently, direct the respondent authorities to allow the petitioner to contest in the ensuing MPTCs/ZPTCs Elections being held during May 2019 if he is otherwise eligible and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

When the Writ Petition is taken up, learned Standing Counsel Sri P. Sudheer Rao 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 Writ Petition 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 April 2014 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, after hearing Sri G. Narender Reddy, learned Standing Counsel for Respondents 5 and 6, in terms of the order dated 20.03.2019 passed by this Court in Writ Petition No.2630 of 2018 and batch. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

18th April, 2019

Issue CC by 22.04.2019.
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