THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8454 of 2019

O R D E R:

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 action of the Respondent No.2's impugned proceedings No. G1/JMKT-NP/414/2017, dated 28.10.2017 for non-submission of the election expenditure returns under Section 15-b of Telangana Municipalities Act, 1965, without compliance under Rule 103(10) to (7) and under Section 19-B(b) as illegal, arbitrary and violation of the principles of natural justice and consequently, set aside the impugned proceedings....."

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.
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> 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 N. Praveen Kumar, learned Standing Counsel for Respondent No. 4, in terms of the order dated 20.03.2019 passed by this Court in Writ Petition No.2630 of 2018 and batch.

As it would take some time for the copy of the order to be made available to the petitioner by the Registry, learned counsel for the petitioner shall be entitled to inform the Returning Officer with respect to the orders of this Court, which shall be construed as a communication for the purpose of implementation under the provisions of the Contempt of Courts Act, 1971. The learned Standing Counsel for the Election Commission shall also inform the respective authorities of the order passed now. No costs.

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

CHALLA KODANDA RAM, J

22nd April, 2019

Issue CC today
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