

**HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

WRIT PETITION No.9168 of 2019

ORDER: *(per the Hon'ble Sri Justice A. Rajasheker Reddy)*

Petitioner states that he is the voter of Peddapalli Town; that under Section 174 of the Telangana State Panchayat Raj Act, 2018 (for short 'the Act'), a person who does not have vote in a Gram Panchayat Electoral Roll prepared under Section 11(1) of the Act cannot contest to the post of ZPTC, and as he is aspiring to contest in the election of ZPTC, Peddapalli, he filed an application in Form-8 with reference to I.D.No.ONK733183295 dated 17.04.2019 for change of address and to include his name in Bhojannapet Gram Panchayat Electoral Roll, by way of supplementary voter list-2 via National Voters' Service Portal and that a notification for conducting elections to MPTCs/ZPTCs was issued by the Telangana State Election Commission on 20.04.2019 stating that for Peddapalli ZPTC, the election notice would be issued on 26.04.2019 and the last date for filing nominations is 28.04.2019. He also states that the 1st respondent – Telangana State Election Commission, Hyderabad, sent a communication to all the District Collectors including the 3rd respondent – District Collector, Peddapalli, vide Letter No.1114/T-SEC-PR/2019 dated 15.04.2019, regarding

publication of electoral rolls of territorial constituencies of MPPs/ZPPs with supplements along with election notice by Returning Officers. His grievance is that though he submitted the application in Form-8 on 17.04.2019 itself, the respondents did not consider the same till date. Hence, he filed the present writ petition.

Learned counsel for the petitioner submits that respondent authorities are mandated to consider the alleged application of the petitioner in terms of Section 11(1) of the Act read with Section 174 of the Act read with Rule 6 of the Telangana Panchayat Raj (Preparation And Publication Of Electoral Rolls) Rules, 2018, issued in G.O.Ms.No.26, Panchayat Raj and Rural Development (PTS-III), dated 19.05.2018.

Heard Sri G. Vidyasagar, learned Senior Counsel, appearing for Sri Avinash Desai, learned Standing Counsel for Telangana State Election Commission, appearing for respondent Nos.1 and 2.

Learned Government Pleader for Panchayat Raj appearing for respondent Nos.3, 4 and 7 has produced before this Court written instructions issued by the 7th respondent and submitted that the alleged application of the petitioner is pending.

From a perusal of the writ affidavit, it is evident that the writ petition is only filed for issuance of directions to the

respondents with regard to consideration of the petitioner's application in Form-8 dated 17.04.2019 in terms of the relevant law, so as to enable him to contest in the election of ZPTC, Peddapalli. It is to be noted that it is for the competent authority to consider Form-8 stated to have been submitted by the petitioner on 17.04.2019, in terms of the relevant Rules and Regulations.

In view of the above, without expressing any opinion on the merits of the matter, we direct the 2nd respondent – Chief Electoral Officer, GAD (Elections), Telangana, to consider the application stated to have been submitted by the petitioner in Form-8 on 17.04.2019 and pass appropriate orders, as expeditiously as possible, in accordance with law.

With the above directions, the writ petition is disposed of.

Pending miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, ACJ

Date: 26.04.2019

A. RAJASHEKER REDDY, J

Note: issue C.C. today.

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