

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITIONS No. 9636, 9567, 9633, 9104 of 2019

COMMON ORDER:

These Writ Petitions question the orders of the Telangana State Election Commission, Hyderabad passed in exercise of the powers conferred under the provisions of the Telangana Panchayat Raj Act and the Rules made thereunder, disqualifying the petitioners for a period of three years from the date of issue of the said orders from contesting the elections to be held for any office for their failure to lodge final accounts of election expenditure within 45 days from the date of declaration of the results.

Heard learned counsel for the petitioners and learned Standing Counsel for Zilla Parishad / Mandal Parishad Officers.

On 26.04.2019 and 30.04.2019, when all these matters were taken up, due to paucity of time, this Court granted interim suspension of the order impugned and directed them to be listed today under the caption for orders. Hence, they are listed today.

In the context of the challenge made in these Writ Petitions, it is apt to note that when once the statute mandated the authorities to take steps immediately or as soon as possible, the same has to be complied with and that they cannot sleep over the matters for years together and thereafter, seek to justify the delay on their part. Since the time for submission of election expenditure is 45 days from the date of declaration of the results, the respondent State Election Commission ought to have taken action, if any, immediately thereafter or within a reasonable time.

Now, it is brought to the notice of this Court by the learned Standing Counsel Sri P. Sudheer Rao appearing for the State

Election Commission that the issue raised in these Writ Petitions is squarely covered by the common order dated 20.03.2019 passed by this Court in Writ Petition No.2630 of 2018 and batch, wherein also, it is observed 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 and the orders of disqualification visited upon the petitioners by the Commissioner are accordingly, set aside'*.

Admittedly, in all these cases, elections were held in 2014 and the impugned orders were passed in 2017 i.e. nearly after lapse of three years, disqualifying the petitioners from contesting the elections for three years from the date of issue of the order, which action cannot be countenanced. The respondent authorities are under mandatory obligation to take action immediately or as soon as possible, in accordance with the provisions of the Act.

In view of the same and also in terms of the reasons stated by this Court in the order dated 20.03.2019 in Writ Petition No.2630 of 2018 and batch, these Writ Petitions are all allowed, setting aside the impugned orders. No costs.

As it would take some time for the copy of the order to be made available to the petitioners by the Registry, learned counsel for the petitioners 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.

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

CHALLA KODANDA RAM, J

01st May 2019

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