

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NOS.13712, 13713 AND 13718 OF 2019

COMMON ORDER

The petitioners in all these three writ petitions were elected as Mandal Parishad Territorial Constituency Members (MPTCs), and by virtue of the impugned order dated 02.07.2019, the 5th respondent – Presiding Officer, Mandal Praja Parishad, Gudihathnur mandal, Adilabad District, disqualified them on the ground of violation of party whip. Aggrieved by the same, the present writ petitions have been filed.

Heard the learned counsel for the petitioners, Government Pleader for Panchayath Raj for 1st respondent, Sri P.Sudheer Rao, learned counsel for respondents 2 to 4, Sri G.Narender Reddy, learned Standing Counsel for 5th respondent and Sri B.Vijaysen Reddy, learned counsel for respondent No.6.

Section 148 of the Telangana Panchayat Raj Act, 2018 (for short 'the Act') provides for resolution of dispute relating to cessation for disobedience of party whip. The said provision is extracted as under for ready reference:

148. Resolution of dispute relating to cession for disobedience of party whip:

Where a member against whom a proceeding that he ceased to hold office as a consequence of the disobedience of the party whip is issued in pursuance of the second proviso to sub-section (1) of Section 147 and the affected member disputed the correctness of the proceedings, he may apply to the District Court having jurisdiction over the area in which the office of the Mandal Praja Parishad is situated, for a decision.

From the above provision it is clear that against the disqualification for disobedience of party whip, the affected party has to approach the District Court seeking redressal of his grievance. Further, in **YARLAGADDA VENKATESWARA RAO AND OTHERS vs. GOVT. OF A.P.**,¹ a learned single Judge of the High Court of erstwhile State of Andhra Pradesh, considering analogous provisions under the Andhra Pradesh Panchayt Raj Act, 1994, held that *"When the District court is conferred with such power and jurisdiction to*

¹ 2007(2) ALT 65

resolve disputes relating to cessation for disobedience of party whip the District Court also has power to grant interim orders in appropriate cases and such power to be inferred by implication though the statutory provision is silent in this regard. Therefore, it is clear that District Court has also jurisdiction to pass interim orders pending adjudication of the main dispute.

In view of alternative remedy under Section 148 of the Act, this court is not inclined to entertain the writ petitions, and the same are disposed of leaving it open to the petitioners to avail the said remedy, raising all the issues which are sought to be raised in the present writ petitions. It is also open to the petitioners to seek for interim orders, and it is for the District Court to consider the same and pass appropriate orders in accordance with law.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:05—07—2019

AVS

