

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.14277 OF 2019

Date: 12.7.2019

Between:

Bachu Shiva Kumar

.. Petitioner

And

State of Telangana, rep. by its
Principal Secretary, Municipal Administration
Department, Secretariat, Hyderabad & others.

.. Respondents

The Court made the following:



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ORDER:

Petitioner contested as Councillor to Ward No.7 of Jammikunta Nagara Panchayat, Jammikunta mandal, Karimnagar district in the elections held in year 2014. Alleging that the petitioner did not file election expenditure, order was passed on 28.10.2017 by the State Election Commission declaring the petitioner as ineligible for three years from the date of issue of that order to contest any election to be held for any office under the provisions of Telangana Municipalities Act, 1965.

2. Heard learned counsel for petitioner, learned Government Pleader for Respondents 1, 3 and 4, Sri P.Sudheer Rao, learned Standing Counsel for Respondent No.2 and perused material available on record.

3. From a reading of the order impugned, it is apparent that no prior notice was issued before passing such order and notice was not issued within reasonable time from the date of conclusion of election process.

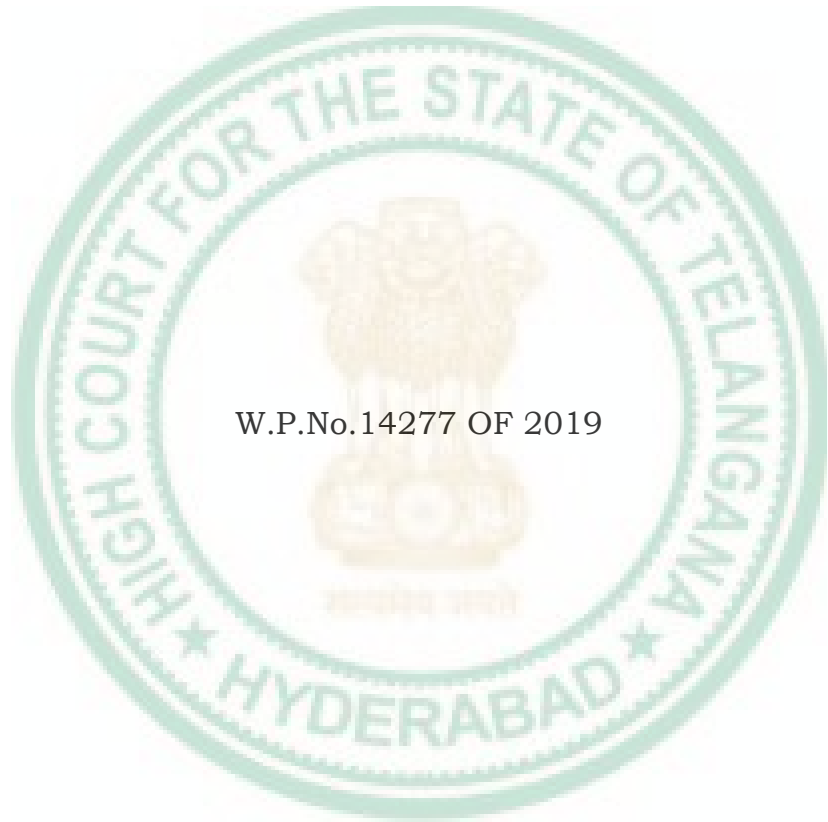
4. In W.P.No.2630 of 2018 and batch, learned single Judge of this Court considered the issue in detail and held such action of the State Election Commission in disqualifying the candidates on the ground that they did not file election expenditure in the elections held in the year 2014 after long lapse of time as illegal, and amounts to arbitrary exercise of power and set aside the similar orders passed against the petitioners therein.

5. Following the earlier orders of this Court, this writ petition is also allowed by setting aside the order impugned. Pending miscellaneous petitions shall stand closed.

P. NAVEEN RAO, J

Date: 12.7.2019
DA

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