

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15177 OF 2019

Date:23.07.2019

Between:

Mohammed Mustafa, W/o. Mohammed Ankoos,
Aged about 41 years, Occ: Business,
R/o.H.No.6-2-476/4, Uday Nagar,
Godhavarikhani, Ramagundam,
Peddapalli District and others .. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Municipal
Administration Department, Secretariat
Buildings, Secretariat, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.15177 OF 2019****ORDER:**

Petitioners contested as Councilors to Ward Nos.8, 14, 13 and 43 respectively of Ramagundam Municipal Corporation in the elections held in the year 2014. Alleging that petitioners did not file election expenditure, orders were passed on 23.06.2017 by the State Election Commission declaring the petitioners 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 the petitioners and learned counsel representing the State Election Commission. Learned counsel appearing for State Election Commission agrees that subject matter of the writ petition is covered by the decision of learned single judge of this Court rendered in W.P.No.2630 of 2018 and batch on 20.03.2019.

3. From the reading of the orders impugned, it is apparent that no prior notice was issued before passing such orders 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, dated 20.03.2019, 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 orders impugned. Pending miscellaneous petitions shall stand closed.

P. NAVEEN RAO, J

Date:23.07.2019

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