

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15256 OF 2019

Date:23.07.2019

Between:

Khaja Abdul Hafeez, S/o.Khaja
Abdul Aziz, aged about 39 years,
Occ: Business, R/o.H.No.9-15-46/2
(Old)9-15-225, Ahmedpura Colony,
Behind Makkah Masjid Jawahar Road,
Nizamabad

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Municipal Administration
And Urban Development Department,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.15256 OF 2019****ORDER:**

Petitioner contested as Councilor to Ward No.28 of Nizamabad Municipal Corporation in the elections held in the year 2014. Alleging that petitioner did not file election expenditure, order was passed on 10.04.2017 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 the petitioner 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 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, 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 order impugned. Pending miscellaneous petitions shall stand closed.

P. NAVEEN RAO, J

Date:23.07.2019

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