

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15763 of 2019

ORDER:

Heard learned counsel for the petitioner, learned counsel representing Addl.Advocate General appearing for respondents 1 & 2, Sri N.Praveen Kumar, learned Standing Counsel for the respondents 3 & 4.

This Writ Petition is filed seeking writ of mandamus declaring the action of the respondents in issuing letter No.G1/17/2019, dated 07.07.2019 for inclusion of Hothi-K village into Zaheerabad Municipality by declaring it as Ward No.23 for the purpose of conducting elections to the Zaheerabad Municipality in Sangareddy District as illegal and arbitrary and consequently to direct the respondents not to include the said village in the Zaheerabad Municipality as Ward No.23 and continue the same as Grampanchayat for all purposes in terms of the interim order of this Court dated 28.08.2018 passed in IA No.1/2018 in WP No.30710/2018.

Learned counsel for the petitioner submits that inclusion of Hothi-K Village in Zaheerabad Municipality is illegal and unconstitutional.

On the other hand, learned counsel appearing for Additional Advocate General appearing for respondents 1 & 2 as well as Sri N.Praveen Kumar, learned Standing Counsel for respondents 3 & 4 submits that inclusion is by virtue of Section 3(1)(B) r/w

Schedule XI of the (Amendment) Act 4 of 2018 and that the petitioner has not challenged the said legislation in the Writ Petition for grant of relief.

The matter was adjourned for enabling the petitioner to challenge the said provision. But, even today, the same is not challenged. As long as legislation is subsisting and valid, the petitioner cannot get any relief, unless the same is challenged in the Writ Petition. Since there is no challenge to the said amendment, no relief can be granted in the Writ Petition.

In view of above facts and circumstances, I do not see any reason to entertain the Writ Petition and accordingly, the same is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition shall stand dismissed.

A.RAJASHEKER REDDY,J

07-08-2019
kvs

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