

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15807 OF 2019

ORDER:

Petitioner contested Ward Member of 16 of Sultanabad Grampanchayat and also ZPTC of Sultanabad, in the elections held in the year 2014. Alleging that petitioner did not file election expenditure, order was passed on 12.01.2018 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. The learned counsel for the petitioner filed a Memo informing the Court that the disqualification order was not served on the petitioner. However, in the list furnished by the State Election Authority to the District Collector, Peddapalli, the name of the petitioner was shown at Sl.No.1522.

3. Heard learned counsel for the petitioner and learned counsel representing the State Election Commission.

4. 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.

5. 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.

6. 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.

7. Following the earlier orders of this Court, this Writ Petition is also allowed by holding the State Election Commission disqualifying the petitioner to contest elections as illegal. There shall be no order as to costs.

8. As a sequel, miscellaneous applications, if any pending, shall stand closed.

Date: 06.08.2019

LSK

P. NAVEEN RAO, J