

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19016 OF 2019

O R D E R:

Petitioner contested as Councillor to Ward No.6 of Jagityal Municipality. Alleging that the petitioner did not file election expenditure, order was passed on 18.07.2017 by the State Election Commission declaring her 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.

Heard learned counsel for the petitioner and learned Standing Counsel representing the State Election Commission. Learned Standing Counsel agrees that the subject matter of this Writ Petition is squarely covered by the decision of the learned Single Judge in Writ Petition No. 2630 of 2018 and batch.

From the reading of the order impugned, it is apparent that no notice was issued before passing such an order. In Writ Petition No. 2630 of 2018 and batch, the learned Single Judge 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 2014 after long lapse of time is illegal and amounts to arbitrary exercise of power. The order of disqualification was set aside.

Following the earlier orders of this Court, this Writ Petition is also allowed by setting aside the order impugned. No costs.

The miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

30th August 2019

ksld

