

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.21174 of 2019

ORDER:

Petitioner contested as Councillor for Ward No.5 of Korutla Municipality, Korutla, Jagtial District, in the Elections held in the year 2014. Alleging that petitioner did not file election expenditure, order was passed on 01.07.2017 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.

Heard learned counsel for the petitioner and learned counsel representing the State Election Commission. Learned counsel appearing for State Election Commission agrees that the subject matter of the present writ petition is covered by the decision of learned single Judge of this Court in W.P.No.2630 of 2018 and batch.

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.

In W.P.No.2630 of 2018 and batch, 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.

Following the earlier orders of this Court in W.P.No.2630 of 2018 and batch, this Writ Petition is also allowed by setting aside the order impugned. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

25th September, 2019
KSM

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