

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24040 of 2019

O R D E R:

This Writ Petition is filed for the following relief:

“...to grant an order or direction or writ, more so in the nature of writ of certiorari calling for records and to declare the action of the respondents more particularly respondent Nos. 2 and 3 in disqualifying the petitioner for contesting in any election to be held for any office under the provisions of section 20-B of GHMC Act, 1955 for a period of three years vide proceedings bearing No. 1295/TSEC-L(ULBs)/2016-(3) dated 29.06.2019 as being arbitrary, illegal, unjust and violative of Principles of Natural Justice apart from being violative of Articles 14, 16 and 21 of the Constitution of India and consequently to quash the proceedings bearing No 1295/ TSEC-L (ULBs)/2016-(3) dated 29 06 2019 issued by respondent Nos. 2 and 3 further to hold that the petitioner is entitled to be contest in any elections to be held for any office under the provisions of the GHMC Act, 1955”

When the matter is taken up, it is submitted by the learned counsel for the petitioner that the issue raised in the present Writ Petition is squarely covered by the common order dated 20.03.2019 passed by this Court in W.P.No.17075 of 2018 and batch.

Learned Standing Counsel for Telangana State Election Commission appearing for respondent No.1 does not dispute the aforesaid submission.

Relevant portion of the aforesaid order reads as under:

“Once the statute required the authorities to take steps ‘immediately’ or ‘as soon as may be’, they cannot sleep over such matters for years together

and thereafter seek to justify the delay on their part. It may also be noted that in so far as the elections held in 2013 were concerned, the stipulated period of forty-five days expired in September, 2013 itself, long before formation of the new State of Telangana and the issues that cropped up thereafter.

Be it viewed from any angle, this Court finds that the balance would tilt in favour of the petitioners, given the lapses on the part of the election authorities in giving effect to their statutory obligations. The orders of disqualification visited upon the petitioners by the Commission are accordingly set aside.

The writ petitions are allowed.”

In those circumstances, following the above said common order and for the reasons recorded therein, this Writ Petition is also allowed by setting aside the order impugned.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:05.11.2019

kdl