

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.24081 of 2019

ORDER:

This writ petition is filed for the following relief:

“ ... to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents more particularly the respondent No 2 proceedings vide No 888/TSEC-L2015-(165) Dated 23.06.2017 by disqualifying the petitioners is arbitrary and illegal and also violative of fundamental rights and to pass ... ”

At the hearing, learned counsel for both the sides submit that the subject matter is squarely covered by the order dated 20.03.2019 passed by this Court in W.P.No.17075 of 2018 and Batch. This Court while allowing W.P.No.17075 of 2018 and Batch by order dated 20.03.2019, held as under:

“Viewed thus, the failure of the District Election Authorities in taking steps within time cannot be said to be beyond reproach. Though Sri G.Vidya Sagar, learned senior counsel, would contend that the peculiar factors existing in 2016 should be taken into account to condone the delay on the part of the election authorities, this Court is of the opinion that the statutory scheme does not permit such justification being offered. 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.”

In terms of the order dated 20.03.2019 in W.P.No.17075 of 2018 and Batch, and for reasons alike, this writ petition is also allowed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

05th November, 2019
KSM

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