

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24787 OF 2019

ORDER:

This Writ Petition is filed for the following relief:

“....to issue an order or direction more particularly in the nature of a Writ of Mandamus by declaring the action of Respondent No.1 in not allowing the Petitioner to contest in the ensuing municipal elections as illegal, arbitrary, violative of Article 14, 16 and 21 of the Constitution of India besides violative of principles of natural justice and without any justification and consequently direct Respondent authorities to allow the Petitioner to contest in the ensuing municipal elections being to be held in 2019 if they are otherwise eligible..”

2. When the matter came up for hearing, 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.

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

4. 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.”

5. 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, in the writ petition shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

November 12, 2019.

PV