

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.27523 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon’ble Court may be pleased to issue any appropriate writ, order or direction one more particularly one in the nature of Writ of Mandamus declaring the draft publication/notification of wards dated 04.12.2019 issued by the 5th Respondent for division and delimitation of the Nirmal Municipality, Nirmal District as illegal, arbitrary, unlawful and *ultra vires* Telangana Municipalities Act and the Rules there under and set aside the same and pass such further order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri C.Naresh Reddy, learned counsel appearing for the petitioners, learned Government Pleader for Municipal Administration & Urban Development appearing for respondents 1 & 2, Sri P.Sudheer Rao, learned standing counsel for the 3rd respondent and Sri N.Praveen Kumar, learned standing counsel for the 5th respondent. Perused the material available on record.

3. It is the case of the petitioners that the 1st petitioner is the Ex-Municipal Chairman of Nirmal Municipality and the 2nd petitioner is the voter of Nirmal Municipality and the petitioners are the aspirants to contents in the coming Nirmal Municipality Elections. The 1st respondent herein issued

Ordinance No.4 of 2019 for conduction of elections to Municipalities due to the expiry of the terms of the Municipalities on 02.07.2019. Pursuant to the said ordinance, the 1st respondent also issued G.O.Rt.No.459, dated 29.06.2019, directing the 2nd respondent to commence the process for fixing and delimitation of the wards for various Municipalities. As per the said notification, the draft publication was to be carried out on 02.07.2019 providing for time upto 05.07.2019 for filing of objections to the draft publication. Pursuant to the G.O.Rt.No.459, respondents 4 & 5 undertook the exercise of delimitation and division of the Municipality into Wards and accordingly published the draft publication on 02.07.2019 as per G.O.Rt.No.459. Final Notification has been issued by the 1st respondent *vide* G.O.Ms.No.99, dated 07.07.2019, notifying division of Nirmal Municipality into 42 wards. The division of the Municipality into wards under the draft and final publication has been in direct contravention of the Rules. The said draft publication published by the 5th respondent does not contain the house numbers due to which the petitioners and the electoral of Nirmal Municipality are not able to find out in which ward they are residing and they are not able to give any objections to the said draft publication. In respect of other Municipalities, house numbers have been published in the draft publication, but in respect of Nirmal Municipality, house

numbers have not been published. The petitioners have also given a representation, dated 02.12.2019, and objections, dated 06.12.2019, to the 5th respondent requesting to give the house numbers of the electorals falling under the wards, but so far, no action has been taken by the 5th respondent. Hence, the present writ petition is filed.

4. Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the respondents to consider the objections, dated 06.12.2019, of the petitioners, which are already filed, and the further objections, if any, filed by the petitioners before the respondents before passing of a final declaration, and pass appropriate orders, in accordance with law. However, it is made clear that the petitioners shall file their objections, if any, within a period of two (02) days from today. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

T. AMARNATH GOUD, J

Date: 12th December, 2019

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