

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28817 OF 2019

DATED : 27.12.2019

Between :

Khaja Haseebuddin S/o.Sultanuddin,
Aged about 65 yrs, Occu : Social Service,
R/o.H.No.5-2-113/3, Osmanpura,
Ward No.33, Jagtial Town and District,
(Old Karimnagar District).

..... Petitioner

And

The State of Telangana,
rep. by its Principal Secretary,
Municipal Administration and
Urban Development Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

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ORDER :

Petitioner contested as a Member to Ward No.33 of Jagtial Municipality, in the elections held in the year 2014. Alleging that petitioner did not file election expenditure, order was passed on 18.07.2017 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.

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

3. 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.

4. 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.

5. Following the earlier orders of this Court, this Writ Petition is also allowed by setting aside the order impugned. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

27th December, 2019
Rds

