

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.40227 of 2018

ORDER:

The petitioner is aggrieved of the action of respondent No.2 in passing Order No.316/TSEC-PR-RJS/2017-(66) dated 23.01.2018 declaring her ineligible to contest any election to be held for any office under the provisions of Telangana Panchayat Raj Act, 1994, for a period of three years from the date of issue of the order; and therefore, prays this Court to set aside the same exercising jurisdiction under Article 226 of the Constitution of India.

2. At the hearing, it is represented by both the learned counsel that the present writ petition is covered by the order passed by this Court in W.P.Nos.2630 of 2018 and batch, dated 20.03.2019.

3. This Court, while allowing W.P.Nos.2630 of 2018 and batch, by order dated 20.03.2019, dealing with disqualification of petitioners therein, had 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.

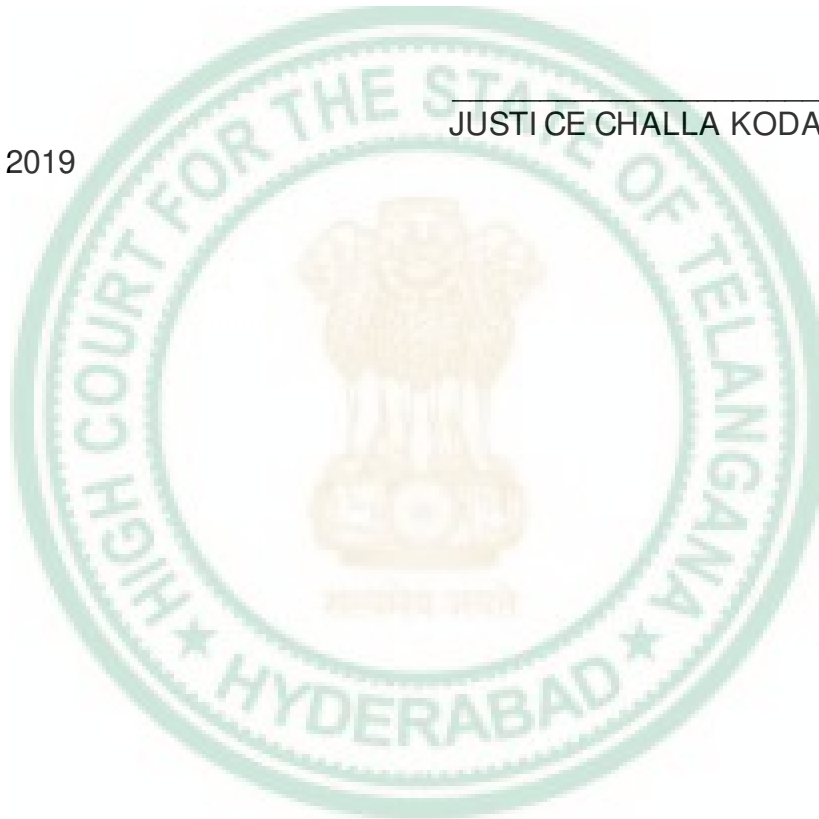
The writ petitions are allowed. Pending miscellaneous in this batch of cases, if any, shall stand closed in the light of this final order. No order as to costs”

4. Accordingly, in the light of the orders passed in W.P.No.2630 of 2018 and batch, dated 20.03.2019, and for the reasons alike, this writ petition is also allowed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

18th April, 2019

KSM

JUSTICE CHALLA KODANDA RAM



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