

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.27 and 353 OF 2020

Date: 7.1.2020

W.P.No. 27 of 2020:

Between:

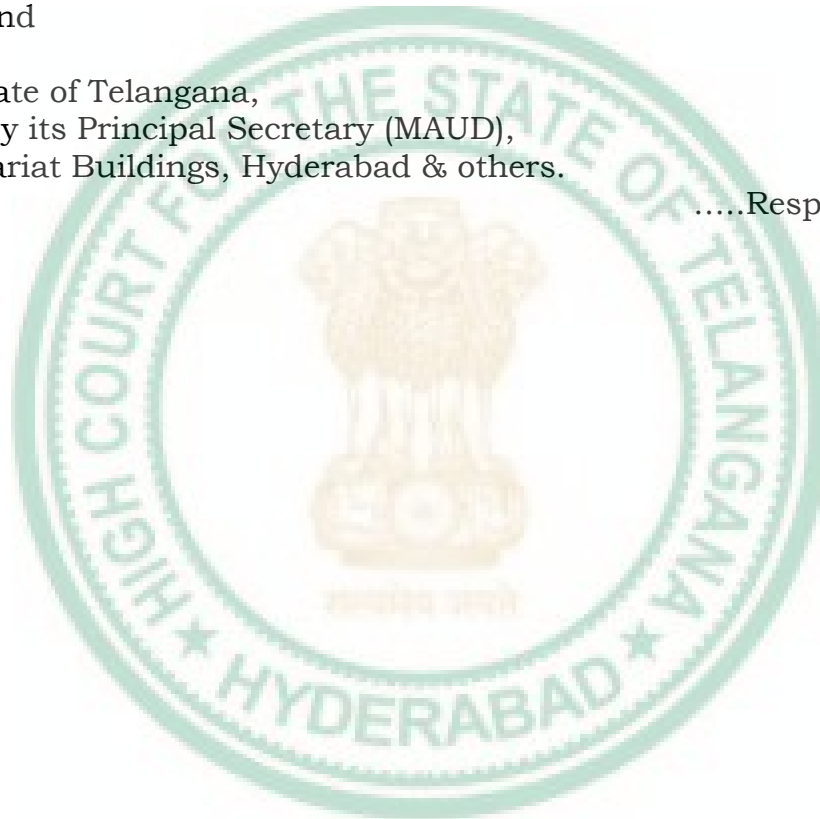
Samidi Gopal Reddy S/o.Ram Reddy,
Age about 46 yrs, Occu : Business,
R/o.Plot No.108 & 109, 7-Hills Colony,
Meerpet, Ranga Reddy District.

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary (MAUD),
Secretariat Buildings, Hyderabad & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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COMMON ORDER:

Heard learned counsel for the petitioner, learned Government pleader for Revenue for respondents 1, 2 and 4, Sri P.Sudheer Rao, learned Standing counsel for respondent No.3 and Sri N.Praveen Kumar, learned Standing counsel for respondent No.5.

2. Petitioners claim to be the resident of SLNS Colony and Lenin Nagar, Meerpet, Balapur Mandal, Ranga Reddy District, which forms part of Meerpet Municipal Corporation. Petitioners claim that they are aspiring to contest the elections to the Meerpet Municipal Corporation. Petitioners challenge G.O.Ms.No.408, dated 17.12.2019, where under, final notification of division of Meerpet Municipal Corporation into 46 wards was issued and prays to set aside the same and to direct the respondents to undertake the entire exercise once again strictly in accordance with the Telangana Municipalities Act (for short 'the Act').

3.1 According to learned counsel for the petitioners, there is no justification to divide the Municipal Corporation into 46 wards. The voter strength of the Meerpet Municipal Corporation is 82,000. The voter strength of Badangpet Municipal Corporation is 91,000. In that Corporation, only 32 wards are formed. He therefore, submits that there is no justification to form 46 wards for voter strength of 82,000. He would submit that petitioners filed objections requesting to reduce the number of wards to 20 or to

merge the Municipal Corporation area into Greater Hyderabad Municipal Corporation.

3.2 It is further contended that the objections raised by the petitioners were not considered and only an eye wash exercise was undertaken, mechanically objections were brushed aside, no personal hearing was afforded and no reasoned order is passed.

3.3 He would further submit that clockwise system is not observed in organizing the wards. Further there is variation in voter strength of the respective wards, which is beyond permissible limit of 10%. Rule 9 (e) of the Rules notified vide G.O.Ms.No.78 dated 29.06.2019 is also violated. In view of the serious infirmities pointed out in the writ petition, the entire exercise has to be nullified and direction be issued to undertake fresh exercise.

4. Learned standing counsel representing learned Additional Advocate General, responding to the allegation on arrangement of wards clockwise and division of voters to various wards, by referring to averments in the counter affidavit submitted that objections of the petitioners were disposed of vide letter dated 12.12.2019 and clockwise principle is followed and a map showing the wards arranged in clockwise direction is filed along with counter affidavit. It is further stated that there is no bar in law that colony cannot be divided into one or more wards and prayed to dismiss the writ petition.

5. With reference to the contention of learned counsel that no justification is shown for dividing the Municipal Corporation into 46 wards as compared to the Bandlaguda Municipal Corporation,

where though voter strength is more, less number of wards are shown, it is seen that Section 3 of the Act provides for formation of wards in the Municipal Corporation and number of wards, Corporation can have. Schedule II appended to the Act prescribe number of wards to each of the Municipal Corporation mentioned therein. Meerpet Municipal Corporation is shown against Sl.No.8 and against Column No.4 number of wards mentioned as 46. The provision in the Act is not under challenge. In view of the specification of number of wards in the Act, without there being challenge to the said provision, the claim of the petitioners cannot be accepted. Further petitioners have not shown as to how they are affected by large number of wards and why they want reduction of wards. It is interesting to note that with regard to Bandlaguda Jagir Municipal Corporation, W.P.Nos.90 and 213 of 2020 are filed, wherein it was contended that in the adjoining Municipal Corporations, higher number of wards are shown, but whereas in the said Municipal Corporation, only 22 wards are shown and the same is not valid. In other words, the individual residents of concerned Municipal Corporation are taking the plea for or against the number of wards as per their convenience, but no effective material is placed on record to point out formation of wards as illegal or unconstitutional, warranting interference by this Court, even assuming that there is no requirement to challenge the relevant provision of the Act.

6. From the objections filed by the petitioners on 05.12.2019, it is seen that except asking for reducing of wards from 46 to 20, no reasons are assigned as to why such a request is made. On the claim of affording personal hearing, it is seen that petitioners filed

two separate objections one on 05.12.2019 regarding number of wards and the other is on 09.12.2019 regarding organizing of wards in clockwise, even distribution of voters and reflection of same colony houses in different wards. In none of these objections, they have sought for personal hearing. Further, no material is shown to support the contention that petitioners filed objections on 9.12.2019, but they were not considered. Assuming that personal hearing is necessary, having regard to these general objections, vis-à-vis, provision in Rules notified vide G.O.Ms.No.78, merely because personal hearing is not afforded, *per se*, it would not be a ground to nullify the entire election process. No right of petitioners is affected, warranting interference on the ground of not affording personal hearing to the petitioners.

7. The further contention of learned Counsel for the petitioners is that the same houses in the same Housing colony i.e., SLNS Colony, where petitioner claims to be residing are divided into different wards. It is seen from the averments in the affidavit filed in support of the writ petition (Paragraph No.14), vague assertion is made referring to Rule 9 (e) of the Rules notified vide G.O.Ms.No.78. They have not elaborated as to how such division is vitiated and how petitioners are affected by such division.

8. According to the Rules notified vide G.O.Ms.No.78, two important aspects required to be compliance are, organizing the wards clockwise and even distribution of voters to all the wards. The Rules are silent with reference to number of wards that can be created and distribution of houses of same colony to different wards. However, according to Rule 5 of the Rules, it is mandatory

to ensure even distribution of voters. Thus, in a given situation, in one ward, if the voters are found more than the average of total voters, there is need to distribute excess voters to other wards to ensure even distribution of voters in all wards. To achieve this it is permissible to distribute the voters of the same area in different wards. As no material is placed on record to show that such division was done in a malafide and biased manner, no opinion can be expressed holding such allocation as vitiated and warrants interference by this Court.

9. In addition to the contentions urged in W P No. 27 of 2020, in W P No. 353 of 2020 it is also contended that on verification of the voters list, it was noticed that the identification of the social status of several voters was wrongly made and objections filed were not acted upon.

10. On instructions, learned standing counsel informs the Court that those mistakes would be verified and wherever it is necessary, they would be rectified. In view thereof, this grievance of the petitioners no more subsists.

11. I therefore, see no merit in the writ petitions. Accordingly, the writ petitions are dismissed.

JUSTICE P.NAVEEN RAO

Date: 07.01.2020
Rds/tvk

HONOURABLE SRI JUSTICE P.NAVEEN RAO



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