

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT APPEAL Nos.39, 43, 44 and 45 of 2020

Date: 09.01.2020

Between:

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

... Appellants

and

Mohammad Amer, and others.

... Respondents

**Counsel for the appellants: Mr. A. Sanjeev Kumar,
Special Government Pleader**

Counsel for the respondent Nos.1 and 2: Mr. B. Mayur Reddy

The Court made the following:

COMMON JUDGMENT: *(per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

The present appeals have been filed challenging the common order dated 07.01.2020, passed by a learned Single Judge in I.A.No.1 of 2019 in W.P.Nos.28716, 28870, 28974 and 28976 of 2019.

By the said common order, the learned Single Judge has passed the following directions:

Having regard to the serious infirmities noticed, the respondents are directed to rectify the mistakes in reflecting the voters belonging to Scheduled Tribes and Scheduled Cases in ward nos.24 and 25. If for any reason, such mistakes cannot be rectified, at this stage, the respondents are restraining from conducting elections to ward nos.24, 25 and 3. It is clarified that conducting of elections to ward no.3 is stayed since if there is any change in over all voters representation belonging to SCs/STs in ward nos.24 and 25, there is a possibility of revision of reservations in these wards and in such case, ward no.3 now reserved for Scheduled Castes may also undergo change. Therefore the conducting of elections to ward nos.24, 25 and 3 of Karimnagar Municipality have to be stayed unless the rectifications are carried out. It is accordingly stayed to that extent.

However, it was pointed out to the learned Single Judge by the learned Advocate General that the Division Bench has already passed an order in WP (PIL) No.197 of 2019, which also dealt with the core issues raised before the learned Single Judge. Therefore, the learned Single Judge has observed as under:

In view of the urgency, Court cannot differ passing of orders till Division Bench order is communicated. However, it is clarified that the directions issued in these Interlocutory Applications would be subject to the view expressed by the Division Bench in the said PIL on the issues on which these directions are issued.

This Court, by order dated 07.01.2020, has already dismissed the said WP (PIL) No.197 of 2019, *inter alia* on the ground that the High Court should not interfere with the election. The said decision was based on catena of judgments of the Hon'ble Supreme Court, namely ***N.P.Ponnuswami v. Returning Officer, Namakkal Constituency, Namakkal, Salem District***¹, ***Mohinder Singh Gill v. Chief Election Commissioner***², ***Election Commission of India v. Ashok Kumar***³ and ***Lakshmi Charan Sen v. A.K.M.Hassan Uzzaman***⁴.

Considering the said decision passed by this Court, the stay order granted by the learned Single Judge cannot continue to exist.

Therefore, the appeals are allowed. The common order dated 07.01.2020 is hereby set aside. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHISHEK REDDY, J)

Date: 09.01.2020

Note: Issue CC today

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¹ AIR 1952 SC 64

² (1978) 1 SCC 405

³ (2000) 8 SCC 216

⁴ (1985) 4 SCC 689