

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2646 OF 2020

ORDER:

This writ petition is filed seeking the following relief:

“..to issue a Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent Nos.3 & 5 in not deleting the name of the 6th respondent from the voter list of the 4th respondent society in pursuance of the representation dt.03.02.2020, as illegal, arbitrary, malafide and violation of principles of natural justice and consequently direct the respondent no.3 & 5 to delete the name of the 6th respondent from the voter list of the 4th respondent society, in the interest of justice and equity and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Ch. Janardhan Reddy, counsel for the petitioner, and the Government Pleader for Agriculture and Co-operation appearing for the respondents.

It has been contended by the petitioner that he is a member of the 4th respondent Society and that as the 6th respondent is a defaulter, his name ought not to have been included in the voters' list. It is the further case of the petitioner that the last date for preparing the voter list of the 4th respondent Society from among the list of eligible candidates was 31.12.2019, and as on 31.12.2019, the name of the 6th respondent was not included in the said voter list. It is also stated that the name of the 6th respondent was included in the voter list on 01.02.2020 i.e., after the cut off date is over, and the respondents are allowing the 6th respondent to contest in the elections, which is not permissible as per the Rules. The grievance of the petitioner is that when the case of the 6th respondent to

participate in the election process was being considered, he has submitted a representation to the respondents on 03.02.2020, but so far the respondents have not passed any orders on the said representation and are taking steps to allow the 6th respondent to participate in the elections.

Therefore, counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 03.02.2020 and pass appropriate orders before the respondents accept the nomination of the 6th respondent.

Government Pleader appearing for the respondents had contended that since the representation of the petitioner is pending with the respondents, the respondents would consider the same and pass appropriate orders.

This Court, having considered the submissions of learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 03.02.2020 and pass appropriate orders before accepting the nomination of the 6th respondent.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

7th February, 2020
Note: Issue CC today
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