

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.29167 of 2019

ORDER:

The petitioner claims to be a resident of Jaya Prakash Nagar Thanda Habitat which forms part of Kalwakurthy Municipality.

2. In substance, the grievance of the petitioner is that Jaya Prakash Nagar Thanda Habitat is divided into two wards and 146 houses of the Jaya Prakash Nagar Thanda Habitat are shown in Ward No.3 instead of showing the entire Jaya Prakash Nagar Thanda Habitat in Ward No.4.

3. The petitioner alleges that the present alignment of the Jaya Prakash Nagar Thanda Habitat into two wards is resulting in a gap of five kilometres from the Habitat and naming the separate residential area as Musli Thanda is illegal. The petitioner, therefore, requests to redo the exercise and reflect the entire Jaya Prakash Nagar Thanda Habitat as part of Ward No.4.

4. The exercise of arrangement of wards clock-wise and apportioning the voters in the respective areas is governed by the rules envisaged in G.O.Ms.No.75 dated 29.06.2019. The rules require arrangement of wards clock-wise and apportioning of voters equally in all the wards with permissible violation of 10%.

5. According to the learned counsel for the petitioner, as Jaya Prakash Nagar Thanda Habitat was one residential area, it could not have been divided.

6. In reply, according to the learned standing counsel in compliance of the provisions in Rule 5 of the Rules, while allotting the voters evenly to all wards, when a large number of voters were found

in Ward No.4, some of the voters are now distributed and show in Ward No.3 and the exercise undertaken is strictly in accordance with the provisions and the Rules.

7. According to the learned standing counsel representing the State Election Commission, the election notification is issued on 07.01.2020 and once the notification is issued, no writ petition can be entertained and the election process be stalled.

8. *Prima facie*, the grievance agitated by the petitioner has no merits. Merely because earlier Jaya Prakash Nagar Thanda Habitat was one residential area, it cannot be said that the said residential area cannot be shown in more than one ward, more particularly, having regard to the provisions contained in Rule 5. For the moment, the election notification is already issued and at this stage, stalling of the election process does not arise in view of the law laid down by the Hon'ble Supreme Court and this Court in a catena of decisions.

The writ petition is accordingly dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

January 9, 2020
DSK

P. NAVEEN RAO, J