

(2025) 02 AP CK 0800

In the Andhra Pradesh High Court, Amaravati

Case No : Writ Petition No: 4011 Of 2025

Kase Sumathi

APPELLANT

Vs

State Of Andhra Pradesh And Others

RESPONDENT

Date of Decision : 14-02-2025

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2025) 02 AP CK 0800

Hon'ble Judges : V. Sujatha, J

Bench : Single Bench

Advocate : Jaideep Reddy

Final Decision : Disposed Of

Judgement

V.Sujatha, J

1. The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

"...to issue a writ, order or one in the nature of a writ of Mandamus , declaring the action of the Respondents in failing to conduct the elections on 03.02.2025 and 04.02.2025 to the post of Vice Chairman,Tuni Municipality as per the first election schedule as illegal, arbitrary, unconstitutional and consequently direct the Respondents to held/conduct the elections to the post of Vice Chairman, Tuni Municipality dated 17.02.2025 as per the new election schedule issued by the 6th Respondent, under CCTV Surveillance and submit the to the Honble High Court after elections and pass such..."

2. Brief facts of the case are that initially, election for the post of Vice Chairman, Tuni Municipality was fixed on 03.02.2025, however, as the said election could not be conducted for some reason or other, it was postponed to 04.02.2025. Even on 04.02.2025, as the said elections could not be conducted, a new election schedule was released by the 6th respondent on 10.02.2025, proposing to conduct elections for the post of Vice Chairman, Tuni Municipality on 17.02.2025

at 11.00 a.m. The grievance of the petitioner is that if the elections are not held properly on the proposed date, the councilors could be subjected to coercion, threatening and abuse in the hands of the ruling party. Hence, the present writ petition is filed seeking to direct the respondents to conduct elections on 17.02.2025 in a free and fair manner without making any further postponements due to law and order problem.

3 Heard learned counsel for the petitioner, Sri. D. Yathindra Dev, learned Special Government Pleader appearing for respondent Nos.1, 2, 4 and 5; learned Government Pleader for Home.

4. During the course of hearing, learned counsel for the petitioner has stated that he has already made representations to the State Election Commission, Vijayawada, the District Collector, Kakinada District and the Superintendent of Police, Kakinada District on 13.02.2025 requesting to prevent any further disruptions and ensure that the elections are conducted as per the schedule in a peaceful manner; the said representations were also endorsed by the said authorities.

5. Learned Special Government Pleader on the other side has stated that in view of the schedule issued on 10.02.2025, fixing the date for conducting elections to the post of Chairperson/ Vice-Chairperson of Palakona, Tuni and Pidguralla Municipalities/ Nagar Panchayats, as 17.02.2025, the respondent Nos.1, 2, 4 and 5 have already taken all precautions to see that the elections to the said post are conducted in a fair and transparent manner. It was brought to the notice of this Court that CCTV cameras were also installed in and around the Municipal Council Hall, Tuni which is the venue for conducting the said elections. He further stated that they will ensure that the elections will be conducted in a fair manner as requested by the petitioner.

6. Learned Government Pleader for Home has seriously objected the submission of learned counsel for the petitioner that the petitioner has made a representation dated 13.02.2025 to the respondents but however has produced a copy of instructions of the Sub-Divisional Officer, Peddapuram Sub Division, Peddapuram wherein it is stated that they have provided sufficient police bandobust by taking all precautions under the directions of the presiding officer and will see that the elections to the post of Vice Chairperson, Tuni will be completed in a peaceful manner without untoward incidents/law and order problems.

7. Taking into consideration the submissions of learned Special Government Pleader, learned Government Pleader for Home and in view of the fact that the respondents herein have already taken all precautions by installing CCTV cameras in and around the Municipal Council Hall, Tuni and as well as by providing sufficient police bandobust for ensuring fair and peaceful conduct of the elections to the post of Vice Chairperson, Tuni, this Court feels it appropriate to dispose of the writ petition by directing all the respondents herein to see that the

elections to the post of Vice Chairperson, Tuni shall be conducted on 17.02.2025 at 11.00 a.m., in a fair and transparent manner without any law and order problems.

8. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.