
(2014) 10 AP CK 0101

In the Andhra Pradesh High Court

Case No : Writ Petition Nos. 30345 and 30559 of 2014

Muchu Siva Kumari

APPELLANT

Vs

The State Election Commission

RESPONDENT

Date of Decision : 21-10-2014

Acts Referred:

Andhra Pradesh Panchayat Raj Act, 1994 — Section 149, 153, 153A, 153A
Constitution of India, 1950 — Article 226

Citation : (2015) 1 ALD 492 : (2015) 2 ALT 637

Hon'ble Judges : M.S. Ramachandra Rao, J

Bench : Single Bench

Advocate : M.S. Prasad, Sr. Counsel for A. Panduranga Rao, Advocate for the Appellant; V.V. Prabhakar Rao, Advocate for the Respondent

Judgement

M.S. Ramachandra Rao, J.—Heard Sri M.S. Prasad, learned Senior Counsel for Sri A. Panduranga Rao, learned counsel for the petitioners, Sri V.V. Prabhakar Rao, learned Standing Counsel for respondent Nos. 1 and 2, learned Government Pleader for Panchayat Raj for 3rd respondent and Sri Koneti Raji Reddy, learned counsel for respondent No. 4/Caveator in both the cases.

2. On 6.4.2014, elections were conducted to Chirala Mandal Praja Parishad, Prakasam District. Results were declared on 6.4.2014. The petitioners in both these Writ Petitions contested for office of member of Mandal Parishad Territorial Constituencies (for short "MPTC") therein supported by the Yuvajana Shramika Rythu Congress Party (YSR Congress party) and were elected.

3. The State Election Commission had issued orders on 26-06-2014 to conduct elections to the Mandal Co-option Members, President and Vice Presidents of Mandal Parishad. Notices were issued to the Members of MPTC requesting them to be present in a special meeting to be held on 04-07-2014 for the elections. The 4th respondent issued a whip to ten members (including the petitioners) who got elected as members of MPTCs on behalf of the YSRCP Party intimating that Sri Pinniboina Ramakrishna was its candidate for the post of President and

directed them to vote in his favour. As the petitioners did not support the proposal of 4th respondent in favour of Sri Pinniboina Ramakrishna, the latter did not acquire qualification to contest in the election of President. Consequently, the Presiding Officer (3rd respondent) declared Sri Gavini Srinivasulu, (petitioner in W.P. No. 30559 of 2014), whose name was proposed by the rival Telugu Desam Party, as the President, as his candidature was supported by elected MPTC Members of the said party.

4. A complaint was made by 4th respondent on 04-07-2014 against the petitioners for violating the whip issued by him and not supporting Sri Pinniboina Ramakrishna, the candidate proposed by the YSR Congress Party to the office of President of Mandal Praja Parishad, Chirala.

5. On the basis of this complaint, a show cause notice in Rc. No. 54/2013/A dt. 05-07-2014 was issued by 3rd respondent to the petitioners seeking their explanation.

6. On 24-07-2014, the petitioners submitted their explanation denying the allegations made against them in the show cause notice.

7. The petitioner in W.P. No. 30559 of 2014 contended that the name of Sri Pinniboina Ramakrishna was not validly proposed as per Rule 10(1) of the AP Conduct of Election of Member (Coopted) and President/Vice President of Mandal Praja Parishad and Member (Coopted) and Chairperson/Vice Chairperson of Zilla Parishad Rules, 2006; therefore the whip issued by 4th respondent could not have been obeyed since he was not a contestant for the office and it was impossible to vote for or against him, and therefore there was no question of disobedience of the whip. It was further contended that the appointment of the whip was not intimated to 3rd respondent before 11 a.m. on the day preceding the day of election; since Sri Pinniboina Ramakrishna's candidature for the office of President was not validly proposed, there was only one candidate i.e. the petitioner in W.P. No. 30559 of 2014, whose name was validly proposed; and therefore there was no question of incurring any disqualification.

8. The petitioners in W.P. No. 30345 of 2014 contended that there was no election on 04-07-2014 at all and therefore there was no question of violating the whip. They also contended that there was no specification as to who was being proposed by the YSR Congress Party for the office of President and Vice President and they did not know who was the candidate; that there was no show of hands in the meeting; and therefore, they could not have been disqualified as members of MPTCs concerned.

9. After considering the said explanations, 3rd respondent passed the impugned orders R.C. No. 54/2013/A dt. 30-09-2014 disqualifying all the petitioners from being Members of Chirala MPTC on the ground that they had violated a whip issued by 4th respondent on behalf of YSR Congress Party) by not supporting Sri Pinniboina Ramakrishna, whose name was proposed for the office of President of the said Mandal Praja Parishad by the said Party.

10. These two orders are challenged in these Writ Petitions.

11. In the impugned order, 3rd respondent held that all the petitioners had received the whip to vote for Sri Pinniboina Ramakrishna as President during the elections to the Office of President and Vice President; that the same was also read over by 3rd respondent during the special meeting; and therefore the petitioners were not correct in contending that they were not aware that he was contesting for the office of President or Vice President; that the petitioners were aware that the petitioner in W.P. No. 30559 of 2014 had got elected on behalf of YSR Congress Party but was proposed as a President candidate by the Telugu Desam Party; it was the duty of the petitioners to propose and support the candidature of Sri Pinniboina Ramakrishna for the Office of President of the MPTC; that they intentionally did not support him and thus disobeyed the whip and incurred the disqualification.

12. The main contention advanced on behalf of the petitioners is that the YSR Congress Party secured recognition from the State Election Commission only on 29-05-2014; that on the day when the election to the MPTC Members were held i.e. on 06-04-2014, YSR Congress Party was not a recognized political party; therefore the petitioners could not be said to have been elected as Members of the Mandal Parishad as candidates set up by YSR Congress Party; under Section 153 of the AP Panchayat Raj Act, 1994 (for short "the Act"), a whip to vote in favour of a person could be validly issued by a functionary of only a recognized political party; therefore the whip issued by the YSR Congress Party was invalid on the ground that the said party was not a recognized political party and the petitioners, not having got elected as Members of the Mandal Parishad as candidates of the said party, are not bound by the said whip. In this regard, the learned counsel for the petitioners placed reliance on Singam Satyanarayana and Others Vs. Election Officer and Deputy Chief Executive Officer, Zilla Parishad and Others, . He further contended that 3rd respondent could not have therefore entertained any complaint by 4th respondent on the matter and his entire proceedings and the impugned orders are without jurisdiction. Since the orders passed are without jurisdiction, the writ petitions questioning the said orders are maintainable and the petitioners need not avail the alternative remedy provided in Section 153-A of the Act and file application before the District Court to set aside the impugned orders. In this regard, he also relied upon State of U.P. and Others Vs. Hirendra Pal Singh etc., . He further contended that this Court had entertained in W.A. Nos. 1149 of 2014, 1150 of 2014 and W.P. No. 2987 of 2014 challenges to similar orders passed by Presiding Officers who disqualifying MPTC Members and ZPTC Members notwithstanding the existence of Section 153-A of the Act and granted interim relief, and having regard to the same, these Writ Petitions also should be entertained and interim relief granted to the petitioners. He relied upon Vinod Trading Company Vs. Union of India (UOI) and Others, and Siliguri Municipality and Others Vs. Amalendu Das and Others, . He also contended that the complaint copy was not furnished to the petitioners and acting on such complaint, the Presiding Officer could not have entertained it and

decided the matter and that the remedy of approaching the District Court under Section 153-A of the Act is not an effective alternative remedy since interim relief would be difficult to obtain there in matters of this nature.

13. The learned counsel for 4th respondent on the other hand contended that the orders passed by 3rd respondent disqualifying the petitioners cannot be said to be without jurisdiction; the point now being canvassed by the petitioners i.e. that the petitioners had not got elected as MPTC Members on behalf of YSR Congress Party since on the date of their election as such Members i.e. 06-04-2014, the said party was not a recognized political party and it had secured recognition only on 29-05-2014, was never raised before 3rd respondent nor argued before him; for the first time this contention is being raised in this Court; on the basis of the contentions advanced before 3rd respondent by both sides, the 3rd respondent entertained the complaint and passed the impugned orders; and he had jurisdiction to do so, particularly where the plea of lack of jurisdiction was not canvassed before him. He further contended that there is an effective alternative remedy available under Section 153-A of the Act introduced by Act 22 of 2006; when Singam Satyanarayana (supra) was decided, such a provision was not available and therefore this Court entertained the writ petition and adjudicated the issue; that normally where there is an effective alternative remedy, this Court would not entertain a Writ Petition under Article 226 of the Constitution of India. He relied upon the judgment of this Court dt. 07-10-2014 in Seemala Babu Bhuvana Mohana Rao vs. Datti Kameswari and others W.A. No. 1243 of 2014 dt. 07-10-2014 of this Court.

14. I have noted the submissions of both sides.

15. The point for consideration is "whether this Court should entertain these writ petitions and grant interim relief to the petitioners notwithstanding the remedy provided in Section 153-A of the Act?"

16. Section 153 of the Act states:

"Section 153-Election, reservation and term of office of President and Vice-President:

(1) For every Mandal Parishad there shall be one President and one Vice-President who shall be [elected by and from among the elected members specified in clause (i) of sub-section (1) of Section 149 by show of hands duly obeying the party whip given by such functionary of the recognised political party as may be prescribed], in the prescribed manner. If at an election held for the purpose no President or Vice-President is elected, fresh election shall be held. The names of the President and the Vice-President so elected shall be published in the prescribed manner:

Provided that if a Member of the Legislative Assembly of the State or of either House of Parliament is elected to either of the said offices, he shall cease to hold such office unless within fifteen days from the date of election to such office, he

ceases to be a Member of the Legislative Assembly of the State or of either House of Parliament by resignation or otherwise.

[Provided further that a member voting under this sub-section in disobedience of the party whip shall cease to hold office [in the manner prescribed] and the vacancy caused by such cessation shall be filled as a casual vacancy.]

(2) Out of the total number of offices of President in the State, the Commissioner shall, subject to such rules as may be prescribed by notification reserve,--

(a) such number of offices to the members belonging to Scheduled Castes and Scheduled Tribes as may be determined by him, subject to the condition that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or as the case may be, the Scheduled Tribes in the State bears to the total population of the State and such offices may be allotted by rotation to different Mandal Parishads in the State in the manner prescribed;

(b) [xxx]

(c) not less than one-third of the total number of offices reserved under clause (a) and sub-section (2A) for women belonging to the Scheduled Castes, Scheduled Tribes, or as the case may be, the backward classes; and

(d) not less than one-third (including the number of offices reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the Backward classes) of the total number of offices to be filled in the State for women and such offices may be allotted by rotation to different Mandal Parishads in the State in the manner prescribed.

[(2A) In Addition to the reservation of offices of President under sub-section (J), there shall be reserved for the Backward Classes such number of offices of President as may be allocated to them in such district in the manner prescribed; so however, that the number of offices of Presidents in the State reserved for Backward Classes shall not be less than thirty-four per cent of the total number of offices of Presidents of Mandal Parishads in the State. The number of offices of Presidents allocated for reservation to each district shall be allotted by rotation to different Mandal Parishads in the district."

(3) The first meeting of the Mandal Parishad to elect a President and Vice-President shall be called as soon as may be, after the results of the ordinary elections to the office of elected members of the Mandal Parishad have been published. The notice of the date and time of the meeting for the election of President and Vice-President shall be given to the elected members in the prescribed manner:

Provided that if, for any reason, the election of the President or Vice-President is not held on the date fixed as aforesaid, the meeting for the election of the

President and Vice-President shall be held on the next day, whether or not it is a holiday observed by the Mandal Parishad.

(4) Every President or Vice-President shall cease to hold office on the expiration of his term of office as a member.

(5) Save as otherwise expressly provided in, or prescribed under this Act, the term of office of the President or Vice-President who is elected at an ordinary election shall be five years from the date appointed by the [Andhra Pradesh Election Commissioner of Local Bodies] for the first meeting of the Mandal Parishad after the ordinary election.

(6) Any casual vacancy in the office of the President or Vice-President shall be filled within a period of six months from the date of occurrence of the vacancy by afresh election under sub-section (3) and a person elected as President or Vice-President in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred. "

17. A reading of the above provision no doubt indicates that only a recognised political party can issue a whip through it's representative.

18. In *Singam Satyanarayana* (supra), this Court held that the expression "recognized political party" is required to be understood to mean those parties which are recognized political parties under clause 6 of the Election Symbols (Reservation and Allotment) Order, 1968; that on the date of election as Members of Mandal Parishad, if the candidates were set up by a political party (which obtained recognition subsequent to the election), even if they were affiliated to such a party, they cannot be treated as having been elected as Members of Mandal Parishad on behalf of such party. Therefore for an elected member of a Mandal Parishad to incur disqualification on the ground that he violated the whip issued at an election to the Presidentship of the Mandal Parishad, such a member must have been a member elected as such having been set up by a recognized political party; and if not, i.e. if the member elected was set up by a political party (which had not obtained recognition by the date of election), any whip issued by such a party would not bind him and result in his disqualification for its violation.

19. In my opinion, on what date the YSR Congress Party came to be recognised as a political party and whether the 4th respondent could function as a whip or not for any reason are questions of fact which requires evidence for their decision. So, they should have specifically pleaded and proved them before the 3rd respondent. Had they done so, it is conceivable that the 3rd respondent on being satisfied about the correctness of their plea, might have rejected the complaint made by 4th respondent. Without doing so, it is not open to the petitioners to raise them for the first time in this court and contend that the 3rd respondent had no jurisdiction to entertain the complaint.

20. Assuming that the 3rd respondent's decision suffers from any error and is wrong on facts or law, that would not mean that he loses his jurisdiction thereby by coming to a wrong conclusion on law or fact.

21. In *Smt. Ujjam Bai Vs. State of Uttar Pradesh*, a 7 Judge Bench of the Supreme Court observed:

"15.....Jurisdiction means authority to decide. Whenever a judicial or quasi-judicial tribunal is empowered or required to enquire into a question of law or fact for the purpose of giving a decision on it, its findings thereon cannot be impeached collaterally or on an application for certiorari but are binding until reversed on appeal. Where a quasi-judicial authority has jurisdiction to decide a matter, it does not lose its jurisdiction by coming to a wrong conclusion whether it is wrong in law or in fact. The question, whether a tribunal has jurisdiction depends not on the truth or falsehood of the facts into which it has to enquire, or upon the correctness of its findings on these facts, but upon their nature, and it is determinable "at the commencement, not at the conclusion, of the inquiry".

.....A tribunal may lack jurisdiction if it is improperly constituted, or if it fails to observe certain essential preliminaries to the inquiry. But it does not exceed its jurisdiction by basing its decision upon an incorrect determination of any question that it is empowered or required (i.e.) had jurisdiction to determine. The strength of this theory of jurisdiction lies in its logical consistency. But there are other cases where Parliament when it empowers an inferior tribunal to enquire into certain facts intend to demarcate two areas of enquiry, the tribunal's findings within one area being conclusive and within the other area impeachable. "The jurisdiction of an inferior tribunal may depend upon the fulfilment of some condition precedent or upon the existence of some particular fact. Such a fact is collateral to the actual matter which the tribunal has to try and the determination whether it exists or not is logically prior to the determination of the actual question which the tribunal has to try. The tribunal must itself decide as to the collateral fact when, at the inception of an inquiry by a tribunal of limited jurisdiction, a challenge is made to its jurisdiction, the tribunal has to make up its mind whether it will act or not, and for that purpose to arrive at some decision on whether it has jurisdiction or not. There may be tribunals which, by virtue of legislation constituting them, have the power to determine finally the preliminary facts on which the further exercise of their jurisdiction depends; but, subject to that an inferior tribunal cannot, by a wrong decision with regard to a collateral fact, give itself a jurisdiction which it would not otherwise possess....."

(emphasis supplied)

22. Thus, if the petitioners felt that the 3rd respondent had no jurisdiction, they ought to have challenged his jurisdiction to entertain it and invited a decision from him. Having failed to do so, they are not entitled to urge before this Court that the 3rd respondent had no jurisdiction to entertain the complaint against

them particularly when the exercise of jurisdiction depends upon facts which need to be pleaded and proved before the 3rd respondent. Therefore, I do not agree that this Court should entertain the Writ Petition and quash the order of the 3rd respondent on the ground that he lacked the jurisdiction to entertain the complaint against the petitioners.

23. Section 153A of the Act states:

"Section 153A-Resolution of disputes relating to cessation for disobedience of party whip

[Where a member against whom a proceeding that he ceased to hold office as a consequence of the disobedience of the party whip is issued in pursuance of the second proviso to sub-section (1) of Section 153 and the affected member disputes the correctness of the proceedings, he may apply to the District Court having jurisdiction over the area in which the office of the Mandal Parishad is situated, for a decision]. "

24. It is settled law that non-entertainment of Writ Petitions under Article 226 of Constitution of India by this Court when an effective alternative remedy is available is a self-imposed limitation. It is essentially a rule of policy, convenience and discretion rather than a rule of law. The Supreme Court of Commissioner of Income Tax and Others Vs. Chhabil Dass Agarwal, , after reviewing the legal position categorically held that the High Court must not interfere if there is an adequate efficacious alternative remedy available to the petitioner and he has approached the High Court without availing the same unless he has made out an exceptional case warranting such interference or there exists sufficient grounds to invoke the extraordinary jurisdiction under Article 226. It also observed that if there is a breach of natural justice, or procedure required for decision has not been adopted, or where the statutory authority has acted not in accordance with the provisions of the enactment in question, or in defiance of fundamental principles of judicial procedure, or resorted to invoke provisions which are repealed, alternative remedy would not be a bar for entertaining a Writ Petition.

25. In Nivedita Sharma Vs. Cellular Operators Assn. of India and Others, , the Supreme Court held:

"15. In the judgments relied upon by Shri Vaidyanathan, which, by and large, reiterate the proposition laid down in Baburam Prakash Chandra Maheshwari v. Antarim Zila Parishad 15, it has been held that an alternative remedy is not a bar to the entertaining of writ petition filed for the enforcement of any of the fundamental rights or where there has been a violation of the principles of natural justice or where the order under challenge is wholly without jurisdiction or the vires of the statute is under challenge.

16. It can, thus, be said that this Court has recognised some exceptions to the rule of alternative remedy. However, the proposition laid down in Thansingh Nathmal v. Supt. of Taxes 8 and other similar judgments that the High Court will

not entertain a petition under Article 226 of the Constitution if an effective alternative remedy is available to the aggrieved person or the statute under which the action complained of has been taken itself contains a mechanism for redressal of grievance still holds the field. "

26. In *Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and Others*, , the Supreme Court has held:

"15. Under Article 226 of the Constitution, the High Court, having regard to the facts of the case, has a discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction. But the alternative remedy has been consistently held by this Court not to operate as a bar in at least three contingencies, namely, where the writ petition has been filed for the enforcement of any of the Fundamental Rights or where there has been a violation of the principle of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged.

27. In *Seemala Babu Bhuvana Mohana Rao (supra)*, a person was disqualified as President of a Mandal Praja Parishad on the ground that he violated a whip issued by a political party. A Division Bench of this Court presided over by the Hon"ble the Chief Justice found fault with a learned single Judge of this Court for entertaining a Writ Petition and granting interim relief to that person when there was no violation of principles of natural justice and observed:

"9.From the contentions raised by the writ petitioner before the impugned order was passed, it is clear that the authority of appellant as Whip has been questioned. The Presiding Officer on this issue has rightly or wrongly held that there are documents of appellant's authorization. Whether the appellant could function as Whip for any reason is highly disputed question of fact and the same requires evidence for decision. It is also contended that the writ petitioner - respondent refused to receive the Whip and such assertion and allegation has been denied and disputed. This factual issue also requires evidence. We think that all these factual aspects cannot conveniently be gone into in writ jurisdiction. We agree with the contention of Sri Satya Prasad, learned Senior Counsel, appearing for the writ petitioner - respondent, that in case of breach of principles of natural justice, alternative remedy cannot be a hindrance in entertaining the writ petition. The learned trial Judge has noticed that there has been breach of principles of natural justice.

10. We have examined this aspect and find impugned order of disqualification was not passed in violation of principles of natural justice. Accordingly, the matter of this nature should not have been entertained ignoring the aforesaid statutory mechanism as narrated above.

11. As Statutory remedy is available, we permit the writ petitioner, if so advised, to avail statutory remedy.

12. We are not oblivious of the fact that with setting aside the impugned order there will administrative vacuum as it is office of the President of the Mandal Praja Parishad and more over on the strength of the interim order passed by the learned trial Judge, the writ petitioner-respondent has assumed the office. A copy of the communication dt. 25-09-2014 from the Mandal Parishad Development Officer, Mandal Praja Parishad, Jiyyammavalasa, to the Chief Executive Officer, Zilla Praja Parishad, Vizianagaram, has been produced before us wherefrom it appears that the writ petitioner-respondent Smt. Datti Kameswari, has assumed office from 25-09-2014 onwards.

13. We, therefore, modify the order of the learned trial Judge to the effect that for a period of fortnight she will continue in the office. However, no major policy decision, including decisions involving financial matters exceeding Rs. 10,000/- shall be taken. She may take routine decisions for running administration during the period of fortnight. On expiry of fortnight she will stand vacated. The observations and findings of the Hon'ble trial Judge as well as of ours will not be a binding factor upon the learned District Judge, if action is taken by the writ petitioner-respondent and it would be open for both the parties, all the parties for that matter, to pray for appropriate interim relief before the District Judge, if so advised. If action is taken, we desire and expect that the learned District Judge shall decide the matter within a period of six weeks from the date of filing of the appeal and no unnecessary adjournment shall be granted in the matter."

28. It is true that the counsel for the petitioners had relied upon an order dt. 01-10-2014 in W.P. No. 29857 of 2014 of a learned Single Judge of this Court entertaining and granting interim relief in similar cases and also orders dt. 02-09-2014 in W.A.M.P. No. 2766 of 2014 in W.A. No. 1149 of 2014 and W.A.M.P. No. 2767 of 2014 in W.A. No. 1150 of 2014 and sought to persuade this Court to entertain and grant interim relief as in those cases.

29. I am unable to agree with the said submission for the reason that interim orders do not constitute precedents. This is well settled. Reference may be made to State of Assam Vs. Barak Upatyaka D.U. Karmachari Sanstha, , wherein the Supreme Court declared:

"21. A precedent is a judicial decision containing a principle, which forms an authoritative element termed as ratio decidendi. An interim order which does not finally and conclusively decide an issue cannot be a precedent. Any reasons assigned in support of such non-final interim order containing prima facie findings, are only tentative. Any interim directions issued on the basis of such prima facie findings are temporary arrangements to preserve the status quo till the matter is finally decided, to ensure that the matter does not become either infructuous or a fait accompli before the final hearing.

22. The observations and directions in Kapila Hingorani Vs. State of Bihar, and Kapila Hingorani Vs. State of Bihar, being interim directions based on tentative reasons, restricted to the peculiar facts of that case involving an extraordinary

situation of human rights violation resulting in starvation deaths and suicides by reason of non-payment of salaries to the employees of a large number of public sector undertakings for several years, have no value as precedents."

30. The learned counsel for the petitioners has placed reliance on Hirendra Paul Singh and others (supra) where the Supreme Court had observed that cases involving identical points must be given identical treatment by the Court and in the matters of interlocutory orders, although the principle of binding precedent cannot apply, there is a need for consistency of approach and uniformity in the exercise of judicial discretion respecting similar causes and it is desirable to eliminate occasions for grievances of discriminatory treatment. Similar view was expressed in Siliguri Municipality (supra). In M/s. Vinod Trading Company (supra), the Supreme Court had set aside an order of High Court dismissing a Writ Petition "in limine" on the ground that questions involved therein were pending in several other matters in the High Court and directed the High Court to consider the subject Writ Petition on merits along with those other matters. None of these cases are cases where any argument based on existence of alternative remedy (such as the one contained in Section 153-A of the Act) as a bar to entertaining the Writ Petition was raised, and in those cases, only the High Court could have entertained the Writ Petitions and the only question was whether the High Court could have denied interim orders in some cases while granting such orders in other cases. Therefore, these cases are clearly distinguishable and cannot be made applicable to the present cases.

31. The petitioners have also not placed on record the pleadings in the cases in which the interim orders referred to in para 28 supra were issued in order to buttress their arguments that the present Writ Petitions are identical on facts with those cases.

32. Moreover, in the light of the final order in Seemala Babu Bhuvana Mohan Rao (supra) where this Court has taken a view that where disputed questions of fact arise, in the absence of violation of principles of natural justice, a person disqualified under Section 153 of the Act should avail of the alternative remedy provided in Section 153-A of the Act and the Writ Petitions should not have been entertained by this Court, I am inclined to dismiss the Writ Petitions giving liberty to the petitioners to avail the said remedy.

33. Although the learned counsel for petitioners contended that the District Court, which is the forum provided under Section 153-A of the Act, would not ordinarily grant interim relief, in my opinion the said submission is without any merit. In case the petitioners approach the District Court invoking Section 153-A of the Act, this Court expects the said Court to exercise the jurisdiction conferred on it in accordance with law and decide, whether in the facts and circumstances of the case, the petitioners would be entitled to any interim relief or not. There is no basis for the apprehension of the petitioners that the District Court has no capacity to appreciate the facts and points of law which would arise if a challenge to the orders impugned herein is made before it.

34. Therefore I am of the opinion that the Writ petitions are liable to be dismissed granting liberty to the petitioners to avail the alternative remedy under sec. 153-A of the Act.

35. The learned counsel for the petitioners relied upon para-13 in the decision in Seemala Babu Bhuvana Mohan Rao (supra) and contended that similar direction may be given to the petitioner in W.P. No. 30559 of 2014 who was elected a President of the Mandal Praja Parishad, Chirala. Although the learned counsel for 4th respondent opposed the same, in order to maintain consistency, it is directed that the order of the 3rd respondent shall not be given effect to for a period of two (02) weeks from today subject to the condition that the petitioner in the said W.P. shall not take any major policy decisions including decisions involving financial matters exceeding Rs. 10,000/- and shall take only routine decisions for running administration during this period. On expiry of this period, the petitioner would cease to be the President of the Mandal Praja Parishad, Chirala.

36. If the petitioners were to approach the competent District Court invoking Section 153-A of the Act, it would be open to them to pray for appropriate interim relief, if so advised and the said Court shall decide the same without being influenced by any observations herein within six (06) weeks from the date of the filing of the said proceeding before him without granting unnecessary adjournments.

37. Subject to the above, the Writ Petitions are dismissed. No costs.

38. Miscellaneous petitions, pending if any, in these Writ Petitions, shall stand closed.