

(2010) 03 KAR CK 0178
In the Karnataka High Court
Case No : Writ Petition No. 9165 of 2010

Sri. Ambareesh

APPELLANT

Vs

Deputy Commissioner and The Commissioner, State Election
Commission

RESPONDENT

Date of Decision : 24-03-2010

Acts Referred:

Citation : (2010) 03 KAR CK 0178

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : N. Sharada, for K.R. Sathish, for the Appellant; R. Devadas, A.G.A.
for R-1, for the Respondent

Judgement

A.S. Bopanna, J.—Learned Govt. Advocate to accept notice for respondent No. 1 and file his memo of appearance within a period of four weeks from today.

2. Considering the nature of disposal of the petition, there is no need to issue notice to respondent No. 2.

3. Petitioner is calling in question the notification dated 18.01.2010 published in the Gazette on 20.1.2010, The grievance of the petitioner is that despite there being a strong presence of the constituents belonging to SC category in the area relating to Kodihalli Gram Panchayath the same has not been reserved for SC category. It is in that context, the grievance is put forth. Petitioner also contends that in this regard, the petitioner had made representation dated 3.3.2010 bringing this fact to the notice of the Deputy Commissioner who has not responded to the said representation.

4. Learned Govt. Advocate would state that the notification made at present is in accordance with law and the reservations have been made keeping in view the reservations which were made for the earlier elections and accordingly, rotation has been made in normal course and therefore the petitioner cannot have any grievance. However, with regard to the representation, if the same is pending, it

would be considered in accordance with law and the petitioner would be intimated the result of such consideration.

5. In view of the above situation, I am of the opinion that since the petitioner has already made a representation to the Authorities in this regard and the same has not evoked any response, at this stage. I do not see any reason to quash the impugned notification, since appropriate reasons are not before this Court. At the same time, I am of the view that a positive mandamus as sought in this petition also cannot be issued. However, keeping in view all the aspects of the matter, a direction is issued to the 1st respondent to consider and dispose of the representation dated 3.3.2010 said to have been filed by the petitioner after looking to all aspects of the matter and intimate the petitioner accordingly.

6. In order to hasten the process, the petitioner shall file one more copy of the representation along with the certified, copy of this order with the 1st respondent within a week from the date of receipt of a certified copy of this order. On filing such copies with the 1st respondent, the 1st respondent shall consider and dispose of the representation in the manner stated above within a period of two weeks thereafter.

7. In terms of the above, petition stands disposed of. No order as to costs.