

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE TWENTIETH DAY OF APRIL, TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI
AND

THE HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

W.P.(PIL).No. 89, 90, 94, 95, 97, 98, 99 of 2020;
W.P.Nos. 8163, 8164, 8165, 8166 & 8167 of 2020

W.P.(PIL).NO. 89 of 2020 :-

Between:

Thandava Yoges, S/o. Venkateswarlu, Occ : Advocate, Gowthavaram,
Racherla Mandal, Prakasam District, Andhra Pradesh -523368,

Ph :9491783736, Aadhar :5105-5458-4458, SBI A/c : 20022823442,

PAN Number : ACIPOY5308D, e-mail : Yogesh_Thandava@Yahoo.co.in.

..Petitioner.

AND

- 1.The State of Andhra Pradesh Rep. by Chief Secretary, Government of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravathi -522503.
- 2.The State of Andhra Pradesh, Rep. by Principal Secretary, Department of Panchayat Raj, A.P. Secretariat, Velagapudi, Amaravathi-522503.
- 3.The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Law, A.P. Secretariat, Velagapudi, Amaravathi -522503.
- 4.Sri JUSTICE V. Kanagaraj, Aged about 75 years, Occ : State Election Commissioner, Retired Judge of High Court of Madras, C/o. State Election Commissioner, New HOD Building, IGM Stadium, M.G. Road, Vijayawada -10.
- 5.Sri Dr. N. Ramesh Kumar, IAS, S/o. Late Ravindranth Chowdary, Aged about 64, years, Occ : Government Service, R/o. Plot No. 59, Street No.3, Prasasan Nagar, Jubili Hills, Hyderabad.
(RR 4 and 5 impleaded as respondents, orders passed in I.A.No. 2 of 2020 in W.P. (PIL).No. 89 of 2020 vide Court order dated 13-04-2020)

..Respondents.

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therein, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the variation of Tenure of State Election Commissioner through Section 200(3), and 200(5) of Ordinance No. 05 of 2020 i.e. Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2020 and subsequent Rule 5 of G.O.Ms.No. 617 dated 10.04.2020 by Panchayat Raj and Rural Development Department contrary to the Constitutional mandate under Art. 243K(2) is unconstitutional, arbitrary, illegal and violation of Art. 14, Article. Art.243K(2) of the Constitution of India and consequently set aside Section 200(3), and 200(5) of Ordinance NO. 05 of 2020 i.e. Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2020 and subsequent Rule.5 of G.O.Ms.No.617 dated 10.04.2020 by Panchayat Raj and Rural Development Department and Set Aside G.O.Ms.No.618 dated 10.04.2020 and G.O.Ms.No.619 dated 11.04.2020 issued by Panchayat Raj and Rural Development Department.

(Prayer amended as per orders passed in I.A.No. 3 of 2020 in W.P.(PIL).NO. 8 of 2020 vide court order dated 13-04-2020)

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I.A No. 1 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased to suspend Rule No. 5 of the G.O.Ms No. 617 dated 10.04.2020 issued by Panchayat Raj and Rural Development Department, pending disposal of W.P.(PIL) 89 of 2020, on the file of the High Court.

I.A No. 4 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to (i) take necessary action against the violators for violating the directions, national protocol and rules during lockdown either to be followed at interstate borders or within the State in terms of the Order dated 26-3-2020 passed by the Hon'ble High Court or in compliance of the guidelines issued by the Central Government, (ii) to restrict the movement of any political party activists, in any manner whatsoever and for any reasons whatsoever, during lockdown on par with the general public of the State and (iii) not to give any relaxation to rule(s) or protocol to any individuals, including the people's representatives either enabling to move freely during restriction times of lockdown or visiting government offices, except in the circumstances requiring monitoring of providing essential services to the public under authority and in capacity of either State Legislators or Parliament Members, pending disposal of W.P.(PIL) 89 of 2020, on the file of the High Court.

W.P.(PIL).No. 90 of 2020 :-

Between :-

Vadde Sobhanadreswara Rao, B.Sc., B.E., S/o. Late Sri V. Ankaiah, R/o. Vyyuru Village and Mandal, Krishna District, A.P.

..Petitioner.

AND

1. The State of Andhra Pradesh, Rep., by its Chief Secretary, A.P. Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh
2. Election Commissioner, The Election Commission of India, Nirvachan Sadan, Asokha Road, New Delhi
3. The Secretary to Government, Legal and Legislative Affairs and Justice, Law Department, A.P. Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh.
4. The Principal Secretary to Government, Panchayat Raj and Rural Development, A.P. Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh
5. The Principal Secretary to Government, Municipal Administration and Urban Development, A.P. Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh
6. The Andhra Pradesh State Election Commission, 1st Floor, New HOD Buildings, MG Road, Vijayawada-520010, Krishna District, Andhra Pradesh.
7. Dr. N. Ramesh Kumar, Ex-Chief Election Commissioner, Flat No. 59, Road No. 72, Street No. 3, Prashashan Nagar, Jubilee Hills, Hyderabad, Telangana.
8. Honourable Sri Justice V. Kanaga Raj, Chief Election Commissioner, 1st Floor, New HOD Buildings, MG Road, Vijayawada-520010, Krishna District, Andhra Pradesh, Email id- Secy.apsec@gmail.com.

..Respondents.

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therein, the High Court may be pleased to

i. declare Ordinance No. 5 of 2020 Dt.10-04-2020, as null and void or in the alternative to declare that the same will not affect the tenure of the 7th Respondent as State election Commissioner for a period of 5 years with affect from 30/1/2016.

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III. to declare AP Panchayat Raj (Salaries and Allowances, Conditions of Service, Tenure of State Election Commissioner) Rules, 2020 issued wide G.O Ms. No. 617 PR and RD (E and R) Department dated 10/4/2020 as void and non-est in law or in the alternative to declare the same will not affect the tenure of 7th Respondent as State Election Commissioner for a period of 5 years with affect from 30/1/2016.

III. To declare G.O Ms. No. 618, PR and RD (E and R) Department dated 10/4/2020 as void and non-est in law, whereunder it was stated that the 7th respondent ceases to hold office of State Election Commissioner on and with effect from 10/4/2020.

IV. To declare G.O Ms. No. 619 PR & RD (E and R) Department dated 11/4/2020 as void and non-est in law, under which the 8th respondent was appointed as. SEC with effect from 11/4/2020 as it is in contravention of the Constitutional provisions in particular Article 243K (2) of the Constitution.

V. To issue such other suitable directions/orders which are necessary in the circumstances of the case.

I.A. No. 1 OF 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased to suspend the Ordinance 5 of 2020 dt. 10/04/2020 issued by the 3rd respondent in the name of Governor of Andhra Pradesh, pending disposal of WP(PIL) 90 of 2020, on the file of the High Court.

I.A. No. 2 of 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of G.O.Ms No. 617 PR & RD (E&R) department dt 10/04/2020 issued by the 4th respondent, pending disposal of W.P.(PIL) 90 of 2020, on the file of the High Court.

I.A No. 3 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased to suspend the operation of G.O.Ms No. 618 PR & RD (E&R) department dt 10/04/2020 issued by the 4th respondent, Pending disposal of WP(PIL) 90 of 2020, on the file of the High Court.

I.A No. 4 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased to suspend the operation of G.O.Ms No. 619 PR & RD (E&R) department dt 11/04/2020 issued by the 4th respondent, pending disposal of WP(PIL) 90 of 2020, on the file of the High Court.

W.P.(PIL).No. 94 of 2020 :-

Between :-

Muthamsetty Lakshmana Siva Prasad, Son of Venkateswara Rao, aged 65years, Resides at Flat No.103, 1st Floor, Vemula Residency, Suryarao Pet, Vijayawada, Krishna District, AP-520 002 Aadhaar No. 465054487286 PAN No. ADQPM 2078K Phone No 0866 2437077 and 98481 28171 Email. m1sprasadbabu@yahoo.com

..Petitioner.

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AND

1. The State of Andhra Pradesh, Rep. by its Chief Secretary, A.P. Secretariat, Velagapudi, Amaravati, Guntur District, AP Email Id- cs@ap.gov.in
2. The Government of Andhra Pradesh, Panchayat Raj and Rural (E & R) Development Department, Rep., by its Principal Secretary, AP Secretariat, Velagapudi, Guntur District, Andhra Pradesh Email Id- prlsecy_pr@ap.gov.in
3. The Government of Andhra Pradesh, Legal and Legislature affairs and Justice Department, Rep., by its Secretary, AP Secretariat, Velagapudi, Guntur District, Andhra Pradesh Email id- mljoffice@gov.in
4. The A.P. State Election Commission,, Rep. by its Secretary, 1st Floor, New HODs Building, Opp. Indira Gandhi Municipal Stadium, M.G. Road, Vijayawada- 520 010 Email id- secv.ansec@gmail.com
5. Dr. N. Ramesh Kumar, Ex-Chief Election Commissioner Plot No.59, Road No.72, Street No.3 Prashashan Nagar, Jubilee Hills Hyderabad, Telangana.
6. Shri V. Kanaga Raj, State Election Commissioner 1st floor, New HOD Buildings MG Road, Vijayawada - 520010 Krishna District, Andhra Pradesh Email id- secy.apsec@gmail.com.

..Respondents.

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therein, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, or any other appropriate writ, by granting the following reliefs (i). to declare the Ordinance No.5 of 2020 dated 10/4/2020, AP Panchayat Raj (Salaries and Allowances, Conditions of service and tenure of State Election Commissioner) Rules, 2020, issued by the 3rd Respondent and the consequential G.O.Ms.No.617 of Panchayat Raj and Rural Development(EandR) Department, Government of AP, dated 10-04-2020, G.O.Ms.No.618 of Panchayat Raj and Rural Development(EandR) Department, Government of AP, dated 10-04-2020, and G.O.Ms.No.619 of Panchayat Raj and Rural Development(EandR) Department, Government of AP, dated 11-04-2020 issued by the 2nd Respondent as arbitrary, illegal, ultra vires, and Unconstitutional

I.A No. 1 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased to suspend the operation of operation of ordinance No.5 of 2020, dated 10/04/2020 issued by the 3rd Respondent in the name of Governor of Andhra Pradesh, dated 11/4/2020 issued by the 3rd Respondent pending disposal of W.P.(PIL) 94 of 2020, on the file of the High Court.

I.A. No. 2 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased to suspend the operation of G.O.Ms.No.618 PR and RD (E & R) Department dated 10/4/2020 issued by the 2nd Respondent pending disposal of W.P.(PIL) 94 of 2020, on the file of the High Court.

I.A. No. 3 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased to suspend the operation of G.O.Ms.No.617 PR and RD (E & R) Department dated 10/4/2020 issued by the 2nd Respondent pending disposal of W.P.(PIL) 94 of 2020, on the file of the High Court.

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I.A No. 4 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the operation of G.O.Ms.No.617 PR and RD (EandR) Department dated 10/4/2020 issued by the 2nd Respondent pending disposal of W.P.(PIL) 94 of 2020, on the file of the High Court.

W.P.(PIL).No. 95 of 2020 :-

Between :-

Dr. Maddipati Sailaja, W/o. Late M.Lakshmi Narayana Choudary, Aged about 43 years, Occ. Doctor, R/o. Door No. 18-53, Samsons Aruna Apartments, 1st lane Vidya Nagar, Guntur, 522 007.

..Petitioner.

AND

1. The State of Andhra Pradesh, Rep. by its Chief Secretary, A.P. Secretariat, Velagapudi, Email Id- cs@ap.gov.in Amaravati, Guntur District., Andhra Pradesh.
2. The Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi, Rep.by its Chief Election Commissioner, Email id-goMaswamin@eci.gov.in
3. The Secretary to Government, Legal and Legislative Affairs and Justice, Law Department, A.P. Secretariat, Velagapudi, Amaravati, Guntur District., Andhra Pradesh., Email id- mljofficeftgov.in
4. The Principal Secretary to Government,, Panchayat Raj and Rural Development department, A.P.Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh, Email Id- prlsecy pr@ap.gov.in
5. The Principal Secretary to Government,, Municipal Administration and Urban Development Department, A.P.Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh, Email Id- prlsecy maud@ap.gov.in
6. The Andhra Pradesh State Election Commission, 1st Floor, New HOD Buildings, MG Road, Vijayawada - 520010, Krishna District, Andhra Pradesh, Email id-secy.apsec@gmail.com
7. Dr. N. Ramesh Kumar, Ex-Chief Election Commissioner, Plot o.59, Road No.72, Street No.3, Prashashan Nagar, jubilee Hills, Hyderabad, Telangana.
8. Honorable Shri justice V. Kanaga Raj, Chief Election Commissioner, 1st Floor, New HOD Buildings, MG Road, Vijayawada - 520010, Krishna District, Andhra Pradesh, Email id- secy.apsec@gmail.com
9. The council of Ministers,, A.P.Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh.

..Respondents.

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therein, the High Court may be pleased to direct to declare Ordinance No. 5 of 2020 Dt.10- 04-2020, as null and void or in the alternative to declare that the same is prospective. B)To declare AP Panchayat Raj (Salaries and Allowances, Conditions of Service, Tenure of State Election Commissioner) Rules, 2020 issued wide G.O Ms. No. 617 PR and RD (E and R) (E & R) Department dated 10/4/2020 as void and non-est. in law or in the alternative to declare the same is Prospective. C)to declare G.O Ms. No. 618, PRand RD (E and R) Department dated 10/4/2020 as void and non-est. in law, where under it was stated that the 7th respondent ceases to hold office of State Election Commissioner on and with effect from 10/4/2020. D)To declare G.O Ms. No. 619 PR and RD (E and R) Department dated 11/4/2020 as void and non-est. in law, under which the 8th respondent was appointed as SEC with effect from 11/4/2020 as it is in contravention of the Constitutional provisions in particular Article 243K (2) of the Constitution. E)To issue such other suitable directions/ orders which are necessary in the circumstances of the case

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I.A No. 1 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased suspend the operation of G.O Ms. No. 618 PR&RD (E&R) Department dated 10/4/2020 issued by the 4th respondent, pending disposal of W.P.(PIL) 95 of 2020, on the file of the High Court.

I.A. No. 2 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased suspend the operation of G.O Ms. No. 617 PR&RD (E&R) Department dated 10/4/2020 issued by the 4th respondent, Pending disposal of W.P.(PIL) 95 of 2020, on the file of the High Court.

I.A No. 3 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased to suspend the operation of Ordinance 5 of 2020 dated 10/4/2020 issued by the 3rd respondent in the name of Governor of Andhra Pradesh, pending disposal of WP(PIL) 95 of 2020, on the file of the High Court.

I.A. No. 4 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the operation of Ordinance 5 of 2020 dated 10-04-2020 issued by A.P. Panchayat Raj (Salaries and Allowances, Condition service, Tenure of State Election Commissioner) Rules, 2020 issued wide G.O Ms. No. 617 PR and RD (E and R) Department dated 10/4/2020 as void and non-est. in law or in the alternative to declare the same is prospective, pending disposal of WP(PIL) 95 of 2020, on the file of the High Court.

W.P.(PIL).NO. 97 of 2020 :-

Between :-

K. Jithendra Babu, S/o. K. Sreeramachandra Murthy, aged about 56 years, Occ : Advocate, R/o. 2-126, Munagala Post and Mandal, Suryapet (former Nalgonda District) District, Telengana State, Office at Flat No. 2A, 2nd Floor, Nirmala residency, Bharati Nagar Road, Novotel Lane, Vijayawada - 520007, Andhra Pradesh, Aadhar No. 8616 3398 7467 PAN No. DBX PK 3376N, Tel. No. 984888260.

..Petitioner.

AND

1. Union of India, Law and legislative Affairs, New Delhi, rep. by its Principal Secretary.
2. The State of Andhra Pradesh, Law and Legislative Affairs and Justice Department, Velagapudi, Amaravati, Guntur District, rep. by Principal secretary.
3. The State of Andhra Pradesh, Panchayatraj and Rural Development (E and R) Department, Velagapudi, Amaravati, Guntur District, rep. by Principal Secretary
4. The Andhra Pradesh State Election Commission, First Floor, New HOD Building, M.G. Road, Vijayawada - 520 010
5. Dr. N. Ramesh Kumar, Former A.P. State Election Commissioner, Plot no. 59, Road No. 72, Street No. 3, Prasasan Nagar, Jubilee Hills, Hyderabad.
6. Honourable Justice (Retd. V.Kanagaraj, State Election Commissioner, First Floor, New HOD building, M.G. Road, Vijayawada -520 010

..Respondents.

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Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therein, the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring the Andhra Pradesh ordinance no. 5 of 2020 dated 10-04-2020, Andhra Pradesh panchayat Raj (salaries and allowances, conditions of service and tenure of state election commissioner) rules, 2020 notified in GO Ms. No. 617 Panchayat Raj and Rural Development (E and R) department dated 10-04-2020, G.O.Ms. No. 618 Panchayat Raj and Rural Development (E and R) department dated 10-04-2020 and Go.Ms. No. 619 Panchayat Raj and Rural Development (E and R) department dated 11-04-2020 as arbitrary, unconstitutional, malafide, vindictive and violative articles 14 and 243K of the constitution of India, and consequently restore the 5th respondent as State Election Commissioner for the rest of his term in the interest of justice.

I.A No. 1 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased to direct the respondents 4 and 6 not to take any decision or action in the matter of ongoing elections to MPTCs, ZPTCs, and Nagar Panchayats in the state of Andhra Pradesh pending disposal of W.P.(PIL) 97 of 2020, on the file of the High Court.

W.P.(PIL).No. 98 of 2020 :-

Between :-

1. D. Kiran, S/o. Vasantha Rao, aged about 28 years, R/o.H.No.1/148, Devagudi village and post, Jammalamadugu Mandal, YSR Kadapa District, Mobile No. 8179101213, Aadhar Card No. 642595185324
 2. M. Vinay Kumar Reddy, S/o. M. Veera Reddy, aged about 33 years, R/o. Pulla Reddy Peta (V), Thappatla, Valluru (M), YSR Kadapa District, Mobile No. 9603333983, Aadhar Card No. 411222123214.
- ..Petitioners.

AND

1. The State of Andhra Pradesh, Rep. by its Chief Secretary, A.P. Secretariat, Velagapudi, Amaraati, Guntur District.
 2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Panchayat Raj and Rural Development Department, A.P. Secretariat, Velagapudi, Amaravati, Guntur District.
 3. The State of Andhra Pradesh, Rep. by its Principal Secretary, Law Department, A.P. Secretariat, Velagapudi, Amaravati, Guntur District.
- ..Respondents.

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therein, the High Court may be pleased to issue a writ order or direction more particularly one in the nature of a writ of mandamus, declaring rule (5) of Andhra Pradesh Panchayat Raj (salaries and allowances, conditions of service of tenure of State Election Commissioner) Rules 2020, issued vide G.O.Ms. No. 617, dated 10-04-2020 by Panchayat Raj and Rural Development department as unconstitutional, arbitrary, illegal and violation of Article 14, contrary to article 243K(2) of the Constitution of India and set aside the same and consequently suspend the operation of rule 5 of G.O.Ms. No. 617 dated 10-04-2020 issued by panchayat raj and rural development department.

I.A No. 1 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased to suspend the operation of Rule 5 of the G.O.Ms.No. 617, dt. 10.04.2020 issued by Panchayat Raj and Rural Development Department, pending disposal of W.P.(PIL) 98 of 2020, on the file of the High Court.

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W.P.(PIL).No.99 of 2020 :-

Between :-

Shaik Mastan Vali, S/o. Shaik Kasim, Occ : Politician (Public Service), R/o. # 18-18-70, Barayimampanja, Mupthi Veedhi, Guntur, Guntur District.

..Petitioner.

AND

1. The State of A.P., Rep. by its Principal Secretary, Panchayat Raj and Rural Development Department Address Secretariat Buildings, Velagapudi, Guntur District
 2. The Commissioner, Panchayat Raj and Rural Development, Government of A.P Guntur
 3. The Secretary, State Election Commission, Government of A.P. Vijayawada
 4. Honble Shri Justice V. Kanaga Raj (Retired), Presently Working as Chief Election Commissioner 1st Floor, New HOD Building, M.G. Road, Vijayawada, Krishna District, Andhra Pradesh State.
 5. N. Ramesh Kumar, Ex. Chief Election Commissioner, Plot No.59, Road No.72, Street No.3, Prashashan Nagar, Jubilee Hills, Hyderabad, Telangana State.
- ..Respondents.

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed therein, the High Court may be pleased to issue a Writ Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No.1 in issuing the impugned G.O.Ms.No.617 dated 10.04.2020 and G.O.Ms.No.618 dated 10.04.2020 restraining the respondent No.5 in holding the post as Chief Election Commissioner of Andhra Pradesh State and G.O.Ms.No.619 dated 11.04.2020 in appointing the respondent No.4 as Chief Election Commissioner of Andhra Pradesh State as highly illegal, arbitrary, unjust, improper, contrary to law and A.P. Panchayat Raj Rules and also in violation of Article 14, 19 and 243 K (2) of Constitution of India and consequently set-aside the impugned G.O.Ms.No.617 dated 10.04.2020 and G.O.Ms.No.618 dated 10.04.2020 and G.O.Ms.No.619 dated 11.04.2020 by directing the respondent No.1 to 3 to continue the services of the respondent No.5 as Chief Election Commissioner of Andhra Pradesh State to till completion of his tenure i.e. up to 31.03.2021,

I.A. No. 1 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased to suspend G.O.Ms.No.618 dated 10.04.2020 issued by the respondent No.1 by directing the respondent No.1 to 3 to continue the services of the respondent No.5 as Chief Election Commissioner of Andhra Pradesh State forthwith pending disposal of W.P.(PIL).No. 99 of 2020, on the file of the High Court.

I.A. No. 2 of 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased to suspend G.O.Ms.No.619 dated 11.04.2020 issued by the respondent No.1 pending disposal of the Writ Petition (PIL), Pending disposal of WP(PIL) 99 of 2020, on the file of the High Court.

I.A No. 3 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P.(PIL), the High Court may be pleased to direct the respondent No.1 to 3 to continue the services of the respondent No.5 as Chief Election Commissioner of Andhra Pradesh State forthwith by suspending the impugned G.O.Ms.No.617 dated 10.04.2020 pending disposal of WP(PIL) 99 of 2020, on the file of the High Court.

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W.P.No. 8163 of 2020 :-

Between :-

Dr. N. Ramesh Kumar, IAS, Aged about 64 years, S/o. Late Ravindranth Chowdary,
Occ : Government Service, R/o. Plot No. 59, Street No 3, Prashasan Nagar,
Jubilee Hills, Hyderabad.

..Petitioner.

AND

- 1.The State of Andhra Pradesh, Rep. by its Principal Secretary to Government,
General Administration Department, A.P. Secretariat, Velagapudi,
Guntur District, Andhra Pradesh.
- 2.The State of Andhra Pradesh, Rep. by its Principal Secretary to Government,
Panchayatraj & Rural Development (E & R) Department, A.P. Secretariat,
Veagapudi, Guntur District, Andhra Pradesh.
- 3.The A.P. State Election Commission, Rep. by its Secretary,
1st Floor, New Hod's Building, Indira Gandhi Municipal Stadium,
M.G. Road, Vijayawada, Andhra Pradesh -520010.
- 4.Sri Justice V. Kanagaraj, Retired Judge, High Court of Madras,
No. 104, Supreme Enclave Tower-10, Mayur Vihar, Phase-1, New Delhi -110091.

..Respondents.

Petition under Article 226 of the Constitution of India, praying that in the
circumstances stated in the affidavit filed therein, the High Court may be pleased to
issue an appropriate Writ, Order or Direction more particularly one in the nature of
"Writ of Mandamus"

- A. Declaring the Andhra Pradesh Ordinance No.5 of 2020 i.e. Andhra Pradesh
Panchayat Raj (Second Amendment) Ordinance, 2020 promulgated by the
Governor, who is the executive head of the respondent No1, exercising
legitimate power to achieve illegitimate purpose of removing the Petitioner
from service, as being illegal, manifestly arbitrary, unconstitutional, and ;
- B. Declaring the Andhra Pradesh Panchayat Raj (Salaries and Allowances,
Conditions of Service, Tenure of State Election Commissioner) Rules, 2020,
notified vide G.O.Ms.No. 617 Panchayat Raj And Rural Development (E&R)
Department dated 10.04.2020, issued by the Governor, framing service rules in
pursuance of Andhra Pradesh Ordinance No.5 of 2020 as being illegal,
manifestly arbitrary, unconstitutional, and
- C. Declaring the action of the Governor in issuing order/notification in pursuance
of the impugned Andhra Pradesh Ordinance No.5 of 2020, published vide
G.O.Ms.No.618 dated 10.04.2020, stating that the Petitioner ceases to hold the
office of State Election Commissioner on and with effect from 10.04.2020, as
being illegal, arbitrary ad;
- D. Consequently set-aside the order/notification, in effect removing the
Petitioner as the Andhra Pradesh State Election Commissioner, issued in
pursuance of the impugned Andhra Pradesh Ordinance No.5 of 2020, published
vide G.O.Ms.No.618 dated 10.04.2020, stating that the Petitioner ceases to
hold the office of State Election Commissioner on and with effect from
10.04.2020 and;
- E. Consequently, set-aside the order/notification in pursuance of the impugned
Andhra Pradesh Ordinance No. 5 of 2020, published vide G.O.Ms.No.619 dated
11.04.2020, appointing the unofficial Respondent to the post of the State
Election Commissioner illegally, in effect removing the Petitioner from the
post of State Election Commissioner of the Andhra Pradesh State Election
Commission, as being illegal, arbitrary, unconstitutional and;

Contd...10...

- F. Consequent, to declare that the Petitioner is entitled to serve as the Andhra Pradesh State Election Commission for the remainder of his term, in terms of the appointment order notified G.O.Ms.No. 11 of Panchayat Raj and Rural Development dated 30.01.2016, i.e. for the tenure of five years from the date of assumption of office i.e. 01.04.2016

I.A No. 1 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to stay all further proceedings pursuant to the issuance of the impugned Andhra Pradesh Ordinance No.5 of 2020 i.e. Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2020, pending disposal of W.P.No. 8163 of 2020, on the file of the High Court.

I.A No. 2 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the operation of Andhra Pradesh Panchayat Raj (Salaries and Allowances, Conditions of Service, Tenure of State Election Commissioner) Rules, 2020, notified vide G.O.Ms.No.617, Panchayat Raj and Rural Development (E & R) Department dated 10.04.2020, pending disposal of W.P.No. 8163 of 2020, on the file of the High Court.

I.A No. 3 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the order/notification, in effect removing the Petitioner as the Andhra Pradesh State Election Commissioner, vide G.O.Ms.No. 618 dated 10.04.2020, stating that the petitioner ceases to hold the office of State Election Commissioner on and with effect from 10.04.2020 issued in pursuance of the impugned Andhra Pradesh Ordinance No.5 of 2020, pending disposal of W.P.No. 8163 of 2020, on the file of the High Court.

I.A.No. 4 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the order/notification G.O.Ms.No. 619 dated 11.04.2020, in effect removing the Petitioner from the post of State Election Commissioner of the Andhra Pradesh State Election Commission issued in pursuance of the impugned Andhra Pradesh Ordinance No.5 of 2020, pending disposal of W.P.No. 8163 of 2020, on the file of the High Court.

W.P.No. 8164 of 2020 :-

1. Mallela Sravan Kumar Reddy, S/o. M. Muni Sekhar Reddy, R/o. D.No. 19/1504, BHAGYA NAGAR COLONY, JAMMALAMADUGU, KADAPA DISTRICT.
2. V. Srinivasa Raju, S/o. Rama Raju, R/o. KOMMUVARI STREET, SATYANARAYANAPURAM, VIJAYAWADA, KRISHNA DISTRICT

..Petitioners

AND

1. State of Andhra Pradesh, Law Department, A.P. Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh
2. The State of Andhra Pradesh, Panchayat Raj and Rural Development, A.P. Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh
3. The State Election Commission, State of Andhra Pradesh, VIJAYAWADA, KRISHNA DISTRICT.

..Respondents.

Contd...11...

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ declaring that Andhra Pradesh Ordinance No. 5 of 2020 captioned as The Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2020 is Arbitrary, discriminatory and unconstitutional and consequently strike down the same and direct the respondents to forbear from enforcing any provision contained in the said ordinance and grant such other relief

I.A No. 1 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the operation and affect of Andhra Pradesh Ordinance No. 5 of 2020 including all consequential action steps, pending disposal of W.P.No. 8164 of 2020, on the file of the High Court.

W.P.No. 8165 of 2020 :-

Between :

Varla Ramaiah, S/o. Varla Issac, R/o. D.No. 1-3-174/8, 'Sarvahita', Varla
Yugandhar Marg, Vidyadharapuram, Vijayawada.

..Petitioner

AND

- 1.State of Andhra Pradesh, Rep. by its Principal Secretary, General Administration Department, Secretariat, Velagapudi, Amravathi.
- 2.State of Andhra Pradesh, Rep. by its Principal Secretary, Panchayat Raj and Rural Development Department, Secretariat, Velagapudi, Amaravathi.
- 3.State of Andhra Pradesh, Rep. by its Principal Secretary, Law Department, Secretariat, Velagapudi, Amaravathi.
- 4.Y.S. Jagan Mohan Reddy, S/o. late Y.S. Rajasekhar Reddy, R/o. Chief Minister Camp Office, Tadepalli, Guntur District.

..Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue order, writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in,

i).Amending Section 200 of the A.P.Panchayat Raj Act, 1994 issuing Ordinance No.5 of 2020,

ii) Giving retrospective effect to the Andhra Pradesh Panchayat Raj (Salaries and Allowances, Conditions of Service and Tenure of State Election Commissioner) Rules, 2020 issued vide G.O.Ms.No.617 Panchayat Raj and Rural Development (E & R) Department dated 10.04.2020,

iii) Issuing G.O.Ms.No.618 Panchayat Raj and Rural Development (E and R) Department dated 10.04.2020 notifying that Dr.N.Ramesh Kumar ceased to hold the office of the State Election Commissioner with effect from 10.04.2020 as illegal, arbitrary, vitiated by malafides, colourable exercise of power, contrary to G.O.Ms.No.11 Panchayat Raj and Rural Development (Elections.) Department dated 30.01.2016 and Articles 14, 21 and 243K of the Constitution of India and consequently strike down Ordinance No.5 of 2020, strike down Rule 5(2) of the Andhra Pradesh Panchayat Raj (Salaries and Allowances, Conditions of Service and Tenure of State Election Commissioner) Rules, 2020 and set aside G.O.Ms.No.618 Panchayat Raj and Rural Development (E and R) Department dated 10.04.2020.

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I.A No. 1 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of Ordinance No. 5 of 2020 and the Andhra Pradesh Panchayat Raj (Salaries and Allowances, conditions of Service and tenure of State Election Commissioner) Rules, 2020, pending disposal of W.P.No. 8165 of 2020, on the file of the High Court.

I.A No. 2 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to permit the petitioner herein come on record as party respondent No. 5 in the present W.P. No. 8165 of 2020, pending disposal of WP No. 8165 of 2020, on the file of the High Court.

W.P.No. 8166 of 2020 :-

Between :-

Ganduri Mahesh, S/o. G.C.S. Murthy, R/o. 22-23-74, SHIVALAYAM STREET, SATYANARAYANAPURAM, VIJAYAWADA

..Petitioner

AND

1. Union of India, Rep. BY ITS UNDER SECRETARY, MINISTRY OF HOME AFFAIRS, NEW DELHI
2. OFFICE OF THE GOVERNOR OF ANDHRA PRADESH, REP., BY ITS SECRETARY, RAJBHAVAN, VIJAYAWADA.
3. STATE OF ANDHRA PRADESH, REP. BY ITS CHIEF SECRETARY, GENERAL ADMINISTRATIUN DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI.
4. THE PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI
5. ANDHRA PRADESH STATE ELECTION COMMISSION, REP., BY ITS SECRETARY, 1st Floor, New HOD Buildings, MG Road, vijayawada-520010 Krishna District, Andhra Pradesh.
6. N. RAMESH KUMAR, 1st Floor, New HOD Buildings, MG Road, vijayawada-520010 Krishna District, Andhra Pradesh.
7. Honourable Sri Justice V. Kanaga Raj, Chief Election Commissioner, 1st Floor, New HOD Buildings, MG Road, vijayawada-520010 Krishna District, Andhra Pradesh.

..Respondents.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to Issue an appropriate writ. order or direction, and more particularly one in the nature of writ of Mandamus, declaring (a)The Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2020. dated 10.04.2020. (b)The Consequential G.O.Ms. No. 617 Panchyata Raj and Rural Developent (E and R) Department, dated 10.04.2020. (c)G.O.Ms.No. 618 Panchayat Raj and Rural Development (E and R) Department, dated 10.04.2020. (d)G.O.Ms.No. 619 Panchayat Raj and Rural Development (E and R) Department. dated 10.04.2020 and (e) all consequential actions in pursuance of the Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2020. dated 11.04.2020. as highly arbitrary, illegal. Unconstitutional and ultra vires of the Constitution of India and consequentially to set aside the same

I.A No. 1 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the operation of Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2020 dt. 10.04.2020 including the consequential G.O.Ms No. 617 Panchayat Raj & Rural Development (E&R) Department dt 10.04.2020 G.O.Ms no. 618 Panchayat Raj & Rural Development (E&R) Department dt 10.04.2020 & G.O.Ms No. 619 Panchayat Raj and Rural Development (E&R) department dt 11.04.2020, pending disposal of W.P.No. 8166 of 2020, on the file of the High Court.

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I.A No. 2 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to stay the further process of the elections for local bodies in the state of Andhra Pradesh, pending disposal of W.P. 8166 of 2020, on the file of the High Court.

W.P.No. 8167 of 2020 :-

Between :-

Dr. Kamineni Srinivas, S/o Late Vijayasimha Hindu, Age 74 years Occ. Medical Practitioner Former Health Minister BJP, R/o. Kaikaluru, Krishna District, Andhra Pradesh.

..Petitioner

AND

1. The State of Andhra Pradesh, Rep by Chief Secretary to Government, Department of General Administration, A.P. Secretariat, Velagapudi, Amaravathi. 520020, A.P.
2. Government of Andhra Pradesh, , Rep by Principal Secretary to Government , Department of Legal and Legislative A.P. Secretariat, Velagapudi, Amaravathi. 520020, A.P.
3. Government of Andhra Pradesh, , Department of Panchyathraj and Rural Development Rep by its Principal Secretary, Velagapudi, Amaravathi 520020, A.P.
4. A.P. State Election Commission, Rep by its Secretary, New HOD's Building, Indira Gandhi Building Vijayawada. 520010, A.P.
5. Sri Justice V. Kanagaraj, Retired Judge, High Court of Madras A.P. State Election Commissioner New HOD's Building, Indira Gandhi Building Vijayawada. 520010, A.P.
6. Dr.N. Ramesh Kumar IAS, S/o Late Ravindranath Chowdary Hindu, Aged about 64 years Former State Election Commissioner R/o. Plot No.59, Street No.3, Prashashan Nagar Jubilee Hills, Hyderabad.

..Respondents.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ or direction more particularly one in the nature of writ of Mandamus

a. declaring the Ordinance 5/2020 dated 10-04-2020 substituting the section 200 of the Principal Act i.e., A.P. Panchyat Raj, 1994, as unconstitutional, ultravires the Constitutional provision particularly Art 14, 243F, J, K read with Art 324 of The Constitution of India b) to declare rules called as ANDHRA PRADESH PANCHAYAT RAJ (SALARIES AND ALLOWANCES, CONDITIONS OF SERVICE AND TENURE OF STATE ELECTION COMMISSIONER) RULES, 2020 issued by the 3rd respondent in G.O.Ms No.617 dated 10-04-2020 and G.O.Ms No. 618 dated 10-4-2020 issued by the 3rd respondent and further appointment of State Election Commissioner by the 5th respondent vide G.O.Ms 619 dated 11- 04-2020 are illegal, contrary to law as unconstitutional, arbitrary, illegal violative of Art 14 and excessive delegation of power and is in violation of the Seventy Third Constitutional Amendment with particular reference to Articles 243-K

I.A No. 1 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the G.O.Ms No. 618 dated 10-4-2020 issued by the 3rd respondent pending disposal of W.P.No. 8167 of 2020, on the file of the High Court.

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I.A No. 2 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the W.P., the High Court may be pleased to suspend the appointment of State Election Commissioner by the 3rd respondent vide G.O.Ms 619 dated 11-04-2020 duly restraining him from discharging duties as a A.P. State Election Commissioner pending disposal of W.P.No. 8167 of 2020, on the file of the High Court.

I.A. No. 3 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the operation of the Andhra Pradesh Ordinance No. 5 of 2020 10.04.2020 pending disposal of W.P.No. 8167 of 2020, on the file of the High Court.

I.A.No. 4 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the operation of the rules called as "ANDHRA PRADESH PANCHAYAT RAJ (SALARIES AND ALLOWANCES, CONDITIONS OF SERVICE AND TENURE OF STATE ELECTION COMMISSIONER) RULES, 2020" issued by the 3rd respondent in G.O.Ms No.617 dated 10-04-2020 pending disposal of W.P.No. 8167 of 2020, on the file of the High Court.

These petitions coming on for hearing and upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Thandava Yogesh, PARTY IN PERSON in W.P.(PIL).No. 89 of 2020 and of Sri V.V. Narasimha Rao, Advocate for petitioner in W.P.(PIL).No. 90 of 2020 and Sri T. Sreedhar, Advocate for petitioner in W.P.(PIL).No. 94 of 2020 and of Sri D.S.N.V. Prasad Babu, Advocate for petitioner in W.P.(PIL).No. 95 of 2020 and of Sri B. Nalin Kumar, Advocate for petitioner in W.P.(PIL).No. 97 of 2020 and of Smt Sodum Anvesha, Advocate for petitioners in W.P.(PIL).No. 98 of 2020 and of Sri Narra Srinivasa Rao, Advocate for petitioner in W.P.(PIL).No. 99 of 2020 and of Sri N. Ashwani Kumar, Advocate for petitioner in W.P.No. 8163 of 2020 and of Sri M. Balanaga Srinivas, Advocate for petitioners in W.P.No. 8164 of 2020 and of Sri Ginpalli Subba Rao, Advocate for Petitioner in W.P.No 8165 of 2020 and of Sri Balaji Medamalli, Advocate for petitioner in W.P.No. 8166 of 2020 and of Sri Ravi Shankar Jandhiyala, Advocate for petitioner in W.P.No. 8167 of 2020 and of the Advocate General on behalf of respondents in all petitions and of Sri S. Satyanarayana Prasad, Senior Counsel representing the State Election Commissioner, the Court made the following

ORDER :-

"A consolidated reply has been filed in W.P.No.8163 of 2020. Learned Advocate General contends that this is a reply on the I.As., although all averments made in the main petitions have been covered up, but treating it as a preliminary reply, an opportunity to file a final reply with respect to the pleadings of all other cases may further be granted.

Considering the aforesaid and after hearing the learned counsel appearing on behalf of the petitioners, by way of last indulgence, we deem it appropriate to grant an opportunity to the learned Advocate General to file final reply by 24.04.2020, supplying copies thereof to the counsel appearing on behalf of the petitioners, who may file the rejoinder, if any, on or before 27.04.2020.

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I.A No. 2 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the W.P., the High Court may be pleased to suspend the appointment of State Election Commissioner by the 3rd respondent vide G.O.Ms 619 dated 11-04-2020 duly restraining him from discharging duties as a A.P. State Election Commissioner pending disposal of W.P.No. 8167 of 2020, on the file of the High Court.

I.A. No. 3 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the operation of the Andhra Pradesh Ordinance No. 5 of 2020 10.04.2020 pending disposal of W.P.No. 8167 of 2020, on the file of the High Court.

I.A.No. 4 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the operation of the rules called as "ANDHRA PRADESH PANCHAYAT RAJ (SALARIES AND ALLOWANCES, CONDITIONS OF SERVICE AND TENURE OF STATE ELECTION COMMISSIONER) RULES, 2020" issued by the 3rd respondent in G.O.Ms No.617 dated 10-04-2020 pending disposal of W.P.No. 8167 of 2020, on the file of the High Court.

These petitions coming on for hearing and upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Thandava Yogesh, PARTY IN PERSON in W.P.(PIL).No. 89 of 2020 and of Sri V.V. Narasimha Rao, Advocate for petitioner in W.P.(PIL).No. 90 of 2020 and Sri T. Sreedhar, Advocate for petitioner in W.P.(PIL).No. 94 of 2020 and of Sri D.S.N.V. Prasad Babu, Advocate for petitioner in W.P.(PIL).No. 95 of 2020 and of Sri B. Nalin Kumar, Advocate for petitioner in W.P.(PIL).No. 97 of 2020 and of Smt Sodum Anvesha, Advocate for petitioners in W.P.(PIL).No. 98 of 2020 and of Sri Narra Srinivasa Rao, Advocate for petitioner in W.P.(PIL).No. 99 of 2020 and of Sri N. Ashwani Kumar, Advocate for petitioner in W.P.No. 8163 of 2020 and of Sri M. Balanaga Srinivas, Advocate for petitioners in W.P.No. 8164 of 2020 and of Sri Ginpalli Subba Rao, Advocate for Petitioner in W.P.No 8165 of 2020 and of Sri Balaji Medamalli, Advocate for petitioner in W.P.No. 8166 of 2020 and of Sri Ravi Shankar Jandhyala, Advocate for petitioner in W.P.No. 8167 of 2020 and of the Advocate General on behalf of respondents in all petitions and of Sri S. Satyanarayana Prasad, Senior Counsel representing the State Election Commissioner, the Court made the following

ORDER :-

"A consolidated reply has been filed in W.P.No.8163 of 2020. Learned Advocate General contends that this is a reply on the I.As., although all averments made in the main petitions have been covered up, but treating it as a preliminary reply, an opportunity to file a final reply with respect to the pleadings of all other cases may further be granted.

Considering the aforesaid and after hearing the learned counsel appearing on behalf of the petitioners, by way of last indulgence, we deem it appropriate to grant an opportunity to the learned Advocate General to file final reply by 24.04.2020, supplying copies thereof to the counsel appearing on behalf of the petitioners, who may file the rejoinder, if any, on or before 27.04.2020.

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Sri S. Satyanarayana Prasad, learned senior counsel, representing the newly appointed State Election Commissioner, contends that the newly appointed State Election Commissioner is a former Judge of the High Court of Madras; however, he could not get instructions in these days of distress on account of COVID-19 pandemic. He further submits that in some of the cases, the affidavits along with documents have not been received due to which he is not in a position to file the reply; therefore, time may be granted to file reply on or before 27.04.2020.

We are not inclined to accept the said request of the learned senior counsel for the simple reason that the new Election Commissioner, having been appointed in pursuance of the Ordinance which is under challenge, is entitled to an opportunity of hearing, being an affected person, and he is not the person who has issued the Ordinance impugned.

We direct that the affidavits along with documents be supplied by the respective counsel for the petitioners to the instructing counsel Mr. S. Vivek Chandrasekhar, on his e-mail ID 'vivek0711@gmail.com' during the course of the day. Registrar (Judicial) shall also send copies of all the petitions in which the newly appointed Election Commissioner is a party by name, to the said e-mail, upon which reply be filed on behalf of the newly appointed State Election Commissioner on or before 24.04.2020. If any rejoinder is required to be filed by the petitioners, they may file it on or before 27.04.2020.

So far as the State Election Commission is concerned, reply has not been filed. The respective counsel of the petitioners as well as the Registrar (Judicial) shall supply copies of the petitions to the State Election Commission through e-mail, during the course of the day. The State Election Commission is also at liberty to file the reply on or before 24.04.2020.

It is made clear here that if the parties do not file reply/rejoinder within the time granted, it be deemed that they are not interested to do so and the cases may be heard on 28.04.2020.

The cases be listed for admission/final disposal at motion hearing stage on 28.04.2020."

Sd/- M. RAMESH BABU
ASSISTANT REGISTRAR

//TRUE COPY//


for ASSISTANT REGISTRAR

To

1. The State of Andhra Pradesh, Rep. by its Chief Secretary, A.P. Secretariat, Velagapudi, Email Id- cs@ap.gov.in Amaravati, Guntur District., Andhra Pradesh.
2. The Principal Secretary, Department of Panchayat Raj, State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravathi-522503.
3. The Principal Secretary, Department of Law, State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravathi -522503, Guntur District.
4. Shri Justice V. Kanaga Raj, State Election Commissioner 1st floor, New HOD Buildings MG Road, Vijayawada - 520010 Krishna District, Andhra Pradesh, Email id- secy.apsec@gmail.com.
5. Sri Dr. N. Ramesh Kumar, IAS, S/o. Late Ravindranth Chowdary, Aged about 64, years, Occ : Government Service, R/o. Plot No. 59, Street No.3, Prasasan Nagar, Jubili Hills, Hyderabad.
6. The Election Commissioner, The Election Commission of India, Nirvachan Sadan, Asokha Road, New Delhi

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7. The Principal Secretary to Government, Panchayat Raj and Rural Development, A.P. Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh
8. The Principal Secretary to Government, Municipal Administration and Urban Development, A.P. Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh.
9. The Principal Secretary, Union of India, Law and legislative Affairs, New Delhi.
10. Sri Justice V. Kanagaraj, Retired High Court of Madras, No. 104, Supreme Enclave Tower-10, Mayur Vihar, Phase-1, New Delhi -110091.
11. Y.S. Jagan Mohan Reddy, S/o. late Y.S. Rajasekhar Reddy, R/o. Chief Minister Camp Office, Tadepalli, Guntur District.
12. The Secretary, Union of India, MINISTRY OF HOME AFFAIRS, NEW DELHI.
13. The Secretary, OFFICE OF THE GOVERNOR OF ANDHRA PRADESH, RAJBHAVAN, VIJAYAWADA.
14. The Secretary, GENERAL ADMINISTRATIVE DEPARTMENT, STATE OF ANDHRA PRADESH, SECRETARIAT, VELAGAPUDI, AMARAVATI, Guntur District.
(Addressee Nos. 1 to 14 by RPAD/E.MAIL)
15. The Registrar(Judicial), High Court of A.P., at Amaravati.
16. Mr. S. Vivek Chandrasekhar, 'vivek0711@gmail.com', Advocate(OPUC)
17. One CC to Sri S. Satyanarayana, Senior Counsel(OPUC)
18. One CC to Sri Thandava Yogesh, Party-in-person(OPUC)
19. One CC to Sri V.V. Narasimha Rao, Advocate(OPUC)
20. One CC to Sri T. Sreedhar, Advocate(OPUC)
21. One CC to Sri D.S.N.V. Prasad Babu, Advocate(OPUC)
22. One CC to Sri B. Nalin Kumar, Advocate(OPUC)
23. One CC to Smt Sodum Anvesha, Advocate(OPUC)
24. One CC to Sri Narra Srinivasa Rao, Advocate(OPUC)
25. One CC to Sri N. Ashwani Kumar, Advocate(OPUC)
26. One CC to Sri M. Balanaga Srinivas, Advocate(OPUC)
27. One CC to Sri Ginjupalli Subba Rao, Advocate(OPUC)
28. One CC to Sri Balaji Medamalli, Advocate(OPUC)
29. One CC to Sri Ravi Shankar Jandhyala, Advocate(OPUC)
30. Two CCs to the Advocate General, High Court of A.P., at Amaravati(OUT)
31. Two spare copies.

TKK

HIGH COURT

HCJ & MSM.J

DT.20-04-2020.

ORDER

**W.P.(PIL).No. 89, 90, 94, 95, 97, 98, 99 of 2020;
W.P.Nos. 8163, 8164, 8165, 8166 & 8167 of 2020**

DIRECTION