



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

MONDAY ,THE EIGHTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 14168/2024

Between:

Janga Krishna Murthy

...PETITIONER

AND

The Andhra Pradesh State Legislature
Secretariat Legislative Council and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.GINJUPALLI SUBBA RAO

Counsel for the Respondent(S):

1.GP FOR LAW LEGISLATIVE AFFAIRS

The Court made the following:

Notice before admission.

Learned Government Pleader for Law & Legislative Affairs,
takes notice for Respondent Nos.1, 2 & 4.

Sri Siva Darshan, learned Standing Counsel for Election
Commission of India, takes notice for Respondent Nos.5 & 6.

Learned counsel for the petitioner is permitted to take out personal notice on Respondent No.3 through RPAD and file proof of service in the Registry.

Post on 22.07.2024.

I.A.No.2 of 2024:

Heard.

Sri Ginpalli Subba Rao, learned counsel for the petitioner submitted that, the 2nd respondent has passed impugned proceedings dated 15.05.2024, disqualifying the petitioner as MLC without providing an opportunity of being heard, which is a clear violation of principle of 'audi alteram partem'. In the said circumstances, if the order impugned is allowed to subsist, it affects the rights of the petitioner. He further submitted that, this Court in similar set of facts has granted interim orders in I.A.No.3 of 2024 of W.P.No.13089 of 2024. The said order is placed on record and prayed to consider the present writ petition also on the same lines.

On the other hand, Sri Siva Darshan, learned Standing Counsel for Respondent Nos.5 & 6 submitted that, in the earlier order which was referred by the learned counsel for the petitioner, this Court has taken due note of conducting election within a period of six months by the Election Commission. The same does not arise as the present case does not fall within the provisions of Section 151 (A) of Representation of People Act, 1951, as the petitioner's term is less than one year. The said observation may

not be taken into consideration while passing the impugned orders, however sought time to file counters.

Perused the record.

Whether the order impugned dated 15.05.2024 was passed in clear violation of principles of natural justice or not, detailed counters are required to be invited. In view of the same, to meet the ends of justice, this Court is inclined to pass the following interim order:

“The State Election Commission-5th respondent and Election Commission of India-6th respondent are directed not to issue any notification for conducting elections in Palnadu local body constituency MLC for a period of six (06) weeks.”

JUSTICE RAVI CHEEMALAPATI

DSB