

**THE HON'BLE SRI JUSTICE A.V.SESHA SAI**

**WRIT PETITION No.25965 OF 2021**

**ORDER:**

In the present Writ Petition, petitioner herein is seeking a Writ of Mandamus, under Article 226 of the Constitution of India, to direct the A.P.State Election Commission to change the present Returning Officer i.e., the third respondent herein, forthwith and to appoint another Returning Officer in the place of R3 to conduct Kuppam municipal elections in a fair manner which is scheduled to be held on 15.11.2021.

According to the petitioner, he is a resident of Kuppam Town and contesting candidate in the ensuing elections pursuant to the notification bearing No.1766/SEC-F2/2021, dated 01.11.2021, issued by the State Election Commission-first respondent herein. As per the said notification, the elections are scheduled to be held on 15.11.2021. Alleging partiality and bias towards one political party against the third respondent herein, the present Writ Petition is filed.

The sum and substance of the case of the petitioner in the present Writ Petition is that, despite a representation made by the party on whose behalf the petitioner intends to contest in the ensuing elections, the State Election Commission is not taking any action in the direction of redressing the grievance of the petitioner herein.

Admittedly, no representation has been made by the petitioner herein for the grievances sought to be ventilated in the present Writ Petition. A reading of the prayer portions also indicates that the petitioner herein is attempting to ventilate the grievances in the form of a Public Interest Litigation.

In the considered opinion of this Court, in the present Writ Petition, the grievance cannot be considered. However, having regard to the allegations made in the affidavit, filed in support of the Writ Petition, and taking into consideration the submissions of the learned counsel for the petitioner, this Court deems it appropriate to dispose of the Writ Petition, leaving it open for the petitioner herein to submit a representation to the State Election Commission, within one day from today, and, if any such representation is made by the petitioner herein, the same be considered and appropriate orders be passed by the State Election Commission within two days thereafter, in accordance with law. It is also open for the petitioner herein to file necessary verifiable material, along with the representation, to substantiate his allegations.

Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

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**A.V.SESHA SAI, J**

09<sup>th</sup> November, 2021.  
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