

ITEM NO.38

COURT NO.5

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).4895-4896/2023

(Arising out of impugned final judgment and order dated 07-02-2023 in WP(PIL) No.30/2022 and WP No.40739/2022 passed by the High Court for the State of Telangana at Hyderabad)

J. VENKAT REDDY

Petitioner(s)

VERSUS

AMBADI ANJI YADAV & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.46555/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.46556/2023-EXEMPTION FROM FILING O.T.)

IA No.46555/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No.46556/2023 - EXEMPTION FROM FILING O.T.)

Date : 10-07-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. S.Debabrata Reddy, Adv.
Mr. Ramendra Mohan Patnaik, AOR

For Respondent(s) Mr. Dama Seshadhri Naidu, Sr. Adv.
Ms. Anisha Mahajan, Adv.
Mr. Shivali Chaudhary, Adv.
Mr. Ponnam Ashok Goud, Adv.
Ms. Mehaak Jaggi, AOR
Mr. Ponnam Mahesh Babu, Adv.

Mr. G. Vidya Sagar, Sr. Adv.
Mr. Prasen Gundavaram, Adv.
Ms. Divya Swami, Adv.
Mr. Nikhil Swami, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel for the parties and carefully perused the material placed on record.
2. The petitioner was elected Sarpach of the Nandigama Gram

Panchayat on 21.01.2019. Thereafter, a new Gram Panchayat of village Anthireddyguda came to be created on 03.11.2020 by way of a Notification issued under Schedule VIII of the Telangana Panchayat Raj Act, 2018 (Telangana Act No.5 of 2018) (for short, 'the Act'). The new Gram Panchayat is comprised of 8 wards out of 14 wards of the Nandigam Gram Panchayat.

3. Since election to the post of Sarpanch of the new Gram Panchayat was not being held, respondent No.1 approached the High Court seeking a mandamus to conduct the said election. The petitioner joined those proceedings as an intervenor as he was opposing the election of the new Gram Panchayat on the premise that he is a duly elected Sarpach for all the 14 wards, which included 8 wards comprised of the new Gram Panchayat of village Anthireddyguda.

4. A Division Bench of the High Court, vide the impugned judgment dated 07.02.2013, has considered the rival submissions including the petitioner's heavy reliance upon Article 243E of the Constitution of India. The High Court has concluded, and rightly so, that once a new Gram Panchayat has been carved out, there is a statutory mandate contained in Section 15 of the Act in terms whereof the State and its authorities are obligated to conduct the election of Sarpanch.

5. In our considered view, the object and import of Article 243E of the Constitution read with the provisions of the State Act, have been correctly construed by the High Court, and the impugned judgment does not warrant any interference by this Court.

6. The Special Leave Petitions are, accordingly, dismissed.

7. As a result, pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)