

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)**

THURSDAY, THE TWENTY SECOND DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND**

**THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT PETITION NO: 17216 OF 2024**

**Between:**

Bhukya Suresh, S/o. Bhukya Laksham, Aged about 46 years, Occ ; Agriculture, R/o H.No.1-179, Lachanaik Thanda, Akkalachedu Village, Chnnaraopet, Warangal District.

**....PETITIONER**

**AND**

1. The State of Telangana, Rep. by its Chief Secretary, Secretariat, Hyderabad, Telangana.
2. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
3. The State of Telangana, Rep. by its Principal Secretary, Panchayat Raj Department, Secretariat, Hyderabad.
4. The Chief Electoral Officer, Hyderabad, Telangana.
5. The Commissioner, Panchayat Raj Department, Hyderabad, Telangana.
6. The Commissioner, Municipal Administration and Urban Development, Hyderabad, Telangana.
7. The District Collector, Warangal, Warangal 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 an appropriate writ, order or direction more particularly one in the nature of Writ of mandamus Challenging the Constitutional validity of the Section 21(3) of the Telangana Panchayath Raj Act, 2018, which discriminates

between elections of Panchayat Raj local bodies and Municipal Local bodies by restricting individuals with a third Child from contesting in Panchayat Raj Elections for the post of Sarpanch, MPTC, Ward Members and ZPTC members similar to the provisions under the Telangana Municipal Act, 2019 and principles of natural justice.

**(Prayer is amended as per Court Order dated 26.07.2024 Vide IA No.2 of 2024)**

**I.A.NO:1 OF 2024**

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 direct the Respondents No.2 to 6 to consider the representation of the petitioner dated 20.05.2024 and to not to show any discrimination between the Panchayat Raj and Municipal Department aspirants of the contesting people and to permit the aspirants to contest in the local body Panchayat Raj elections of Sarpanch, MPTC, Ward Members and ZPTC members even after having 3<sup>rd</sup> child, same like the opportunity given by the Municipal Act, pending disposal of the above writ petition.

**Counsel for the Petitioner : SRI RAPOLU BHASKAR**

**Counsel for the Respondent No.1 : GP FOR GENERAL ADMINISTRATION**

**Counsel for the Respondent Nos.2 & 6 : G.P FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT**

**Counsel for the Respondent Nos.3 & 5 : Ms. SHAZIA PARVEEN, G.P FOR PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT**

**Counsel for the Respondent No.4 ; SRI MOHAMMED OMER FAROOQ**

**Counsel for the Respondent No.7 : G.P FOR REVENUE**

**The Court made the following ORDER**

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Petition No.17216 of 2024

**ORDER:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

None for the petitioner even in the second round when the matter is called.

Ms. Shazia Parveen, learned Government Pleader for Panchayat Raj and Rural Development Department appears for respondents No.3 and 5.

Mr. Mohammed Omer Farooq, learned counsel for respondent No.4.

2. In this writ petition, the petitioner has assailed the validity of Section 21(3) of 'Telangana Panchayat Raj Act, 2018 (for short 'the Act'). Section 21(3) of the Act reads as under:

“A person having more than two children shall be disqualified for election or for continuing as member.”

3. The aforesaid provision disqualifies a person from contesting the election of Gram Panchayat, if he has more than two children before 31<sup>st</sup> May, 1995.

4. It is pertinent to note that similar issue has been decided by this Court by order dated 16.11.2023 in W.P.No.29869 of 2023, and the said writ petition was dismissed by placing reliance on a decision of the Supreme Court in **Javed and others vs. State of Haryana and others**<sup>1</sup>.

5. For the reasons assigned by us in the aforesaid order and in view of law laid down by the Supreme Court in **Javed** (supra) and taking into account the fact that the validity of a provision cannot be challenged time and again, the Writ Petition fails and is hereby dismissed. No costs.

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<sup>1</sup> (2003) 8 SCC 369

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As a sequel, miscellaneous petitions, pending if any,  
stand closed.

SD/- T.JAYASREE  
ASSISTANT REGISTRAR

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SECTION OFFICER

To

1. Two CCs to GP FOR GENERAL ADMINISTRATION, High Court for the State of Telangana at Hyderabad. [OUT]
2. Two CCs to G.P FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI RAPOLU BHASKAR, Advocate [OPUC]
5. One CC to SRI MOHAMMED OMER FAROOQ, Advocate (OPUC)
6. Two CD Copies

SA  
PSK

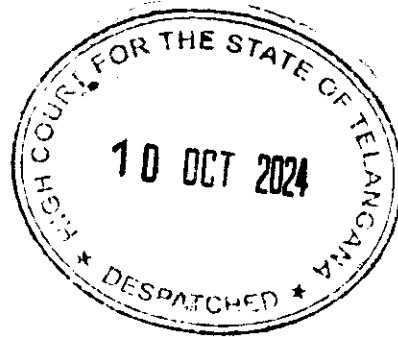


**HIGH COURT**

**DATED:22/08/2024**

**ORDER**

**WP.No.17216 of 2024**



**DISMISSING THE W.P  
WITHOUT COSTS.**

⑪ CHR  
27/9/24