

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: W.P.(PIL) (SR) No.6578 of 2025

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
1.	03.03.2025	<u>HACJ (SP,J) & RY,J</u> Sri Anirudh Thimmaraju, learned counsel for the petitioner; Sri G. Veeraswamy, learned Government Pleader for General Administration Department, for respondent No.1 and Ms. K. Anjamma, learned Assistant Government Pleader for Panchayat Raj Department, for respondent No.3. The petitioner has prayed to declare Section 21(3) of the Telangana Panchayat Raj Act, 2018, as unconstitutional because it prohibits the candidates having more than two children to take part in the election. During the course of hearing, learned counsel for the petitioner fairly admitted that constitutionality of similar provision was unsuccessfully challenged by the petitioner therein in Javed v. State of Haryana [(2003) 8 SCC 369]. However, he submits that we are in the year 2025, and in view of diminishing fertility rate, the provision imposing ban on contesting election for the persons having more than two children needs to be revisited. On a specific query from the Bench as to how this writ petition can be treated as Public Interest Litigation (PIL), learned counsel for the petitioner fairly submits that the petitioner himself has more than two children and is an	Transferred to IO Folder before corrections.

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		interested person to participate in the election. In our considered opinion, this is not a PIL. If certain persons were held to be ineligible to contest the election having more than two children, such persons may be 'persons aggrieved' and could have assailed that decision in independent capacity and not as a PIL. Even otherwise, curtains on this aspect were already drawn by the Supreme Court in the case of Javed (supra). On the basis of change of fertility rate, the aspect whether the law needs to be revisited is within the province of the law makers. In PIL, no such interference can be made. In nutshell, no case is made out for interference. Thus, Office objections are sustained. Since, it is not a PIL and the petition is unnecessarily filed in the capacity of PIL, we deem it proper to reject the PIL with costs of Rs.25,000/- which shall be deposited by the petitioner before the High Court Legal Services Committee within thirty days from today, failing which, the said Committee shall apprise the Court for taking appropriate action against the petitioner for non-compliance. _____ HACJ (SP,J) _____ RY,J myk/tsr	