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

WEDNESDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NO: 4454 OF 2025

Between:

Non-Tribal Welfare Society, -NTVVS, H.No.3-2-150/2A, Vidyanagar Colony village, Chunchupally Mandal, Bhadradri Kothagudem District, Telangana Rep. by its Secretary, Kondabathina Madhu, S/o.Sudhakar, Age 52 years, Occ- Business, R/o.H.No.4-1-9, Ramnagar village, Chunchupally Mandal, Bhadradri Kothagudem District. (T.S.).

.....PETITIONER

AND

1. The State of Telangana, Rep. by its Chief Secretary Telangana Secretariat, Hyderabad.
2. The Principal Secretary, Panchayath Raj and Rural Development, Secretariat, Govt. of T.S., Hyderabad.
3. The Prl. Secretary, Tribal Welfare Department, Secretariat, Govt. of Telangana. Hyderabad.
4. The Commissioner, The Commissioner of Tribal Welfare, Masab Tank, Hyderabad.
5. The Principal Secretary, Revenue Department, Secretariat, Govt. of Telangana, Hyderabad.
6. The Election Commissioner, Office of Telangana State Election Commissioner, A.C. Guards, Hyderabad.

.....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 appropriate writ or direction preferably writ of Mandamus declaring the 100 percentage reservation of Grampanchayath Sarpanch posts in

schedule area of Telangana is unconstitutional, namely against Article 14 and 15 of Constitution of India and contrary to the Supreme Court judgment in Chebrolu Leela Prasad Vs. State of Andhra Pradesh, in the interest of justice.

I.A.NO:1 OF 2025

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.1. 2 and 6 not to issue election Notification with regard to Grampanchayath Sarpanch posts of schedule area of Telangana reserving 100% to the schedule tribes, otherwise direct the respondents stay the elections of Grampanchayaths in schedule area of Telanagana, in the interest of justice.

Counsel for the Petitioner : SRI S.RAMANA REDDY

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

Counsel for the Respondent No.2 : Ms. SHAZIA PARVEEN, GP FOR PANCHAYAT RAJ

Counsel for the Respondent Nos.3 & 4 : SRI A.RAVINDER, GP FOR SOCIAL WELFARE

Counsel for the Respondent No.5 : GP FOR REVENUE

Counsel for the Respondent No.6 : SRI P.SUDHEER RAO

The Court made the following ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

Writ Petition No.4454 of 2025

ORDER:

Heard Ms.Sureddy Priyanka, learned counsel appearing for Mr.S.Ramana Reddy, learned counsel for the petitioner, Ms.Shazia Parveen, learned Government Pleader for Panchayat Raj and Rural Development appearing for respondent No.2 and Mr.Ananthula Ravinder, learned Government Pleader for Social Welfare appearing for respondents No.3 and 4.

2. The writ petition has been preferred in individual capacity by a Non-Tribal Welfare Society seeking to declare 100% reservation of Gram Panchayat Sarpanch posts in Schedule Area of Telangana as unconstitutional and contrary to the Supreme Court judgment in the case of **Chebrolu Leela Prasad Rao v. State of Andhra Pradesh**[1].

3. It is the apprehension of the petitioner that the elections to Gram Panchayat are likely to be held without

[1] (2021) 11 SCC 401

re-organisation of the Scheduled Areas specifically in the Districts of Adilabad, Khammam, Warangal and Mahabubnagar. No notification for such election has been issued or brought on record. Petitioner has placed reliance upon a communication, *vide* letter dated 25.02.2015 addressed by the Commissioner of Tribal Welfare to the District Collector, Khammam, wherein the attention of the District Collector has been invited for submission of a proposal in revised form in English and Hindi for taking necessary action for rationalisation of Scheduled Areas by making Scheduled Areas Co-terminus with the Tribal Sub-Plan Areas as was submitted to the Government of India before bifurcation of the State.

4. Learned counsel for the petitioner has vehemently argued that most of the areas falling in the District have only 20% of Tribal population and as such, 100% reservation with regard to Sarpanch is not proper under the Constitution.

5. Learned counsel for respondent No.2 - State has filed a counter-affidavit. She has relied upon a decision of a Co-

ordinate Bench of this Court rendered in W.A.Nos.743 and 744 of 2014 and an analogous appeal, *vide* judgment dated 05.07.2023. She submits that similar issue was earlier raised before the learned writ court which refused to entertain such plea. It is submitted that the learned Division Bench of this Court has categorically held that the regulations which have remained for the last 50 years have the force of law as per Article 13 of the Constitution of India and it is for the advantage of the Tribals. The law made prior to adoption of the Constitution is enforceable even after adoption of the Constitution, unless the competent legislature has amended the existing law to cater to the needs of the Tribal Community. It is submitted that the learned Division Bench therefore did not find any fault with the findings of the learned Single Judge in upholding the action of the respondents in treating the Mangapet Mandal of Warangal District as Scheduled Area and in reserving all offices of the Gram Panchayat therein in favour of the Scheduled Tribes. The learned Division Bench also placed reliance upon a decision of the Apex

Court in the case of **Union of India v. Rakesh Kumar**[2]. She therefore submits that the instant writ petition could not be entertained.

6. Upon consideration of rival submissions of the parties and limited facts which are required to be taken note of, we are of the considered view that there being no notification for holding election to the Gram Panchayat in the aforesaid Districts, the writ petition is not fit to be entertained. Therefore, we do not wish to make any observations as regards the plea on merits raised by the petitioner.

7. The instant Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

2(2010) 4 SCC 50

SD/- M. JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

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 GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CCs to GP FOR PANCHAYAT RAJ, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CCs to GP FOR SOCIAL WELFALRE, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to SRI S.RAMANA REDDY, Advocate [OPUC]
6. One CC to SRI P.SUDHEER RAO, Advocate (OPUC)
7. Two CD Copies

SA

HIGH COURT

DATED:20/08/2025



ORDER

WP.No.4454 of 2025

DISMISSING THE W.P

WITHOUT COSTS.

13/MT
12/9/25