



తెలంగాణ రాజ పత్రము
THE TELANGANA GAZETTE
PART - V EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 22]

HYDERABAD, FRIDAY, MAY 26, 2023.

**STATUTORY NOTIFICATIONS OF THE ELECTION COMMISSION OF INDIA
AND OTHER ELECTION NOTIFICATIONS**

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NOTIFICATIONS BY GOVERNMENT

OFFICE OF THE CHIEF ELECTORAL OFFICER, TELANGANA
GENERAL ADMINISTRATION DEPARTMENT
(ELECTIONS)

JUDGMENT OF THE HON'BLE HIGH COURT OF TELANGANA IN ELECTION PETITION NO.13 OF 2014 - NOTIFICATION OF THE ELECTION COMMISSION OF INDIA.

[Memo.No.2426/Elecs.A/A1/2023-1,Office of the Chief Electoral Officer, Telangana, General Administration, (ELECTIONS), Department, Dated: 25th May, 2023.]

The following Notification of the Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi - 110001, Dated: 23rd May, 2023, 2 Jyaistha, 1945 (Saka) is published.

NOTIFICATION

NO.82/TL-LA/SOU3/13/2014:- In pursuance of section 106(b) of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order of the High Court of the State of Telangana at Hyderabad, dated 10th April, 2023, in Election Petition No. 13 of 2014.

MONDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

ELECTION PETITION NO: 13 OF 2014

In the matter of election to 68 – Yakutpura Assembly Constituency U/s. 81 r/w
Sec. 100 (1) (a) (b) (d) (i) (ii) (iv) of the Representation of the People Act, 1951

Between:

Ch. Roopraj, S/o Late Ch. Chari, Aged about 38 years, Occ: Business, #18-7-179/5/4, Gowlipura, Hyderabad - 500 053.

...PETITIONER

AND

1. Mumtaz Ahmed Khan, S/o Late Ghulam Ghouse Khan, Aged about 66 years, Occ: Business, #20-4-104/A, Punch Mohalla, Charminar, Hyderabad.
2. The Returning Officer, 68-Yakutpura Assembly Constituency, Hyderabad.
3. District Election Officer, O/o The Commissioner, GHMC, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad - 500 029.
4. Chief Electoral Officer of A.P., Secretariat Complex, Hyderabad.
5. The Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110001.

RR 4 & 5 deleted for array of Respondents vide Court Order dated 25-03-2015 in Appl.No. 73 of 2015.

...RESPONDENTS

Election Petition Under Section 81 r/w. Sec. 100 (1) (d) (iv) of the Representation of the People Act, 1951 praying that this Hon'ble Court may be pleased to

- a) Call for record related to the elections to 68 - Yakutpura Assembly Constituency held on 30/04/2014 and declare the election of the 1st respondent (Mr. Mumtaz Ahmed Khan) to 68-Yakutpura Assembly Constituency to be null and void; and set aside the same and declare the petitioner to have been duly elected
- b) Call for duty log of the Central Paramilitary Forces (CPF) personnel posted at each polling booth of 68- Yakutpura Assembly Constituency on 30-4-2014.

c) Call from the election commission the registers (Form 1A) of 68-Yakutpura Assembly Constituency in which signature of all voters are available for Judicial scrutiny.

d) Direct the 4th and 5th respondents to furnish for judicial scrutiny the videos televised by 4tv, M2 tv, Urdu TV and Ruby Digicable TV and the news published by Ethemad Urdu newspaper, which were collected by the Media Monitoring Committee constituted by the election commission for the purpose of elections to examine the aspect of paid news

e) Direct the 5th Respondent to furnish before this Honble court for judicial scrutiny a printed report of - the result of poll, event log data, hourly total data, voter map data and voter time stamp data - which can be taken from all the EVMs used in the election for 68-Yakutpura Assembly Constituency

f) Direct the 5th respondent to order a probe and initiate action against erring election staff and polling agents who did not act when MIM party workers went on rigging the polls.

g) award the costs of the petition.

APPL. NO: 158 OF 2015

Petition under Section order 7 Rule 11 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to reject the present election petition in E.P No. 13 of 2014.

**Counsel for the Petitioner: Mr. M. RAJ KUMAR, Learned Counsel representing
SRI. BRAHMADANDI RAMESH**

Counsel for the Respondent No.1 : SRI N. NAVEEN KUMAR

Counsel for the Respondent Nos. 2 & 3 : GP FOR GENERAL ADMINISTRATION

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN**ELECTION PETITION No.13 OF 2014****ORAL ORDER:**

The present Election Petition is filed seeking the following relief:

- “a) Call for record related to the elections to 68-Yakutpura Assembly Constituency held on 30/04/2014 and declare the election of the 1st respondent (Mr. Mumtaz Ahmed Khan) to 68-Yakutpura Assembly Constituency to be null and void; and set aside the same and declare the petitioner to have been duly elected.
- b) Call for duty log of the Central Paramilitary Forces (CPF) personnel posted at each polling booth of 68-Yakutpura Assembly Constituency on 30-4-2014.
- c) Call from the election commission the registers (Form 17-A) of 68-Yakutpura Assembly Constituency in which signature of all voters are available for Judicial scrutiny.
- d) Direct the 4th and 5th respondents to furnish for judicial scrutiny the videos televised by 4tv, MQ tv, Urdu TV and Ruby Digicable TV and the news published by Ethemad Urdu newspaper, which were collected by the Media Monitoring Committee constituted by the

Election Commission for the purpose of elections to examine the aspect of paid news.

- e) Direct the 5th Respondent to furnish before this Hon'ble Court for judicial scrutiny a printed report of - the result of poll, event log data, hourly total data, voter map data and voter time stamp data - which can be taken from all the EVMs used in the election for 68-Yakutpura Assembly Constituency.
- f) Direct the 5th respondent to order a probe and initiate action against erring election staff and polling agents who did not act when MIM party workers went on rigging the polls.
- g) award the costs of the petition."

2. The term of respondent No.1 was expired long back and virtually this election petition has become infructuous.

3. Mr. M. Raj Kumar, learned counsel representing Mr. Brahmada Ramesh, learned counsel for the petitioner, has also brought to the notice of this Court that despite specific requests and regular persuasions, the petitioner is not co-operating with them in prosecuting the present Election Petition. They have also issued two (02) letters requesting him to come and give instructions in prosecuting the present Election Petition. They have also filed

copies of the said letters along with proof of service vide USR Nos.73764 and 71135 of 2022, dated 22.08.2022 and 11.08.2022, respectively.

4. In view of the above, despite receiving and acknowledging the said letters, the petitioner is not co-operating with his counsel. Therefore, vide order dated 28.03.2023, this Court directed the Registry to issue a notice to the petitioner through registered post with acknowledging due and file proof of service. In compliance with the same, the Registry has sent the notice to the petitioner and filed proof of service in the form of Postal Tracking Report.

5. The aforesaid said facts would reveal that the petitioner is not interested in prosecuting the present Election Petition by co-operating with his counsel and also with this Court.

6. The issue of dismissal of Election Petition for non-prosecution is no more *res integra*. The Hon'ble Supreme Court in

Dr.P. Nalla Thampy Thera v. B.L. Shanker¹ held that Election Petition can be dismissed for non-prosecution.

7. In view of the aforesaid principle laid down by the Apex Court and also the aforesaid discussion, this Election Petition is dismissed for non-prosecution. In the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the Election Petition shall stand closed.

By Order,

AVINASH KUMAR,
Principal Secretary,
Election Commission of India.

VIKAS RAJ,
Chief Electoral Officer &
E.O. Principal Secretary to Government.

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