

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

ELECTION PETITION NO: 12 OF 2024

Between:

Johnson Naik Bhukya, S/o. Samuel Naik Bhukya, Aged about 47 Years, R/o. H.No.16-48/3, Gandhi Nagar, Khanapur, Telangana.

...Petitioner/s

AND

1. The Election Commission of India, Rep. by its Chief Commissioner, Nirvachan Sadan, Ashoka Road, New Delhi 110001.

(Respondent No. 01 is struck off from the array of Respondents as per Court order Dt. 26/7/2024 vide IA No. 3/24 in EP No. 12/2024).

2. The State Election Commission, Rep. by its Chief Electoral Officer, B.R.K.R. Bhavan, Hyderabad.
3. The District Election Officer / District Collector, Nirmal District, Telangana

(Respondent No. 03 is struck off from the array of Respondents as per Court order Dt. 26/7/2024 vide IA No. 4/24 in EP No. 12/2024).

4. The Returning Officer/Revenue Divisional Officer (Revenue), Utnoor, 06 Khanapur Assembly Constituency, Nirmal District, Telangana State.

(Respondent No. 04 is struck off from the array of Respondents as per Court order Dt. 20/12/2024 vide IA No. 2/24 in EP No. 12/2024).

5. Vedma Bhojju, S/o Vedma Bheemrao, Age: 37 Years, R/o. H.No. 1-15, Kallurguda Vg of Ghanpur Gp, Utnoor Mandal, Adilabad District
6. Bansilal Rathod, S/o Venkataram, Age: 37 Years, R/o. H.No. 4-359/3/B-1, Sundaraiah Colony, Ponkal, Jannaram, Adilabad District
7. Ramesh Rathod, S/o. Rathod Mohan, Age: 57 Years, R/o. H.No. 2-88, Sevadas Nagar, Utnoor Mandal, Adilabad District

(The Election Petition is dismissed as abated against Respondent No. 7 as per court order dt. 26/07/2024 (vide Memo filed USR No. 64893/24 in E.P. No. 12/24))

8. Asha Reddy Bontha, S/o. Potha Lingu, Age: 55 Years, R/o H.No. 5-108, Hanman Nagar, Utnoor, Adilabad District.
9. Kuthati Vijaya, W/o. Sigasarapu Yadaiah, Aged About 44 Years, R/o H.No. 3-6-587, Gagan Mahal, Himayath Nagar, Hyderabad.

10. Jadhav Prabas, S/o. Ramarao, Aged About 33 Years, R/o H.No. 10-27, Venu Nagar, Lakkaram, Utnoor Mandal, Adilabad District
11. Pendoor Priyanka, W/o. Pendoor Jangu, Aged About 33 Years, R/o H.No. 3-122 Ramnagar, Birsaiet, Utnoor Mandal, Adilabad District.
12. Athram Ravindhar, S/o. Athram Malku, Aged About 41 Years, R/o. H.No 2-121, ST Colony, Chinna Bellal, Kaddam
13. Nethavath Rajender, S/o. Nethavath Ramdas, Aged About. 32 Years, R/o H.No. 14-50/6, Old Utnoor, Utnoor Mandal, Adilabad District.
14. Mohan, S/o. Jemla Rathod, Aged About 63 Years, R/o. H.No.5-44, Sakera Jemlathanda Utnoor Mandal, Adilabad District

...Respondent/s

Election Petition Under Sections 11(A), 33, 33A, 34, 80, 80A, 81, 83, 84, 100(1)(a)(b) and (d) & 101, 123, 125(a) of Representation of the Peoples Act, 1951 & the Rules made there under Read With Rules to Regulate the Trial of Election Petitions Under the R.P. Act issued by the High Court of Telangana at Hyderabad praying that this Hon'ble Court may be pleased

- 1) To set aside the letter vide Lr. No. H/334/2023 issued by the returning officer, Utnoor division, dated. 13/11/2023.
- 2) declare the election of the 5th respondent elected from 006-Khanapur Assembly constituency (ST) on 03/12/2023 by the returning officer as void and set aside the same,
- 3) declare that the petitioner as elected candidate from 006- Khanapur Assembly constituency (ST)
- 4) award the cost of this election petition from the 5th respondent

Counsel for the Petitioner : Sri. N. Anirudh

Counsel for the Respondent No. 1, 3 & 4 : Sri Mohammed Omer Farooq

Counsel for the Respondent No.5: Sri R. Giri Kumar

The Court made the following: ORDER

Upon hearing both sides and on perusing the Election Petition and the Counter, the following issues emerges for deciding the Election Petition.

1. Whether the Nomination of the respondent No.5 and the scrutiny of Form-26 Affidavit filed by the respondent No.5 was improperly accepted by the Returning Officer, 006-Khnapur Assembly Constituency (ST) by issuing letter vide Lr.No.H/334/2023 dated 13.11.2023 and as such election of respondent No.5 to be declared as void as per Section 100(1)(d)(i) of the Representation of Peoples Act, 1951?
2. Whether the respondent No.5 has committed corrupt practice by misrepresenting, suppressing and by stating false information/misinformation in the election affidavit with an intention to mislead the voters of 006-Khanapur

Assembly Constituency (ST) is within the grounds enunciated under Section - 100, 123 of Representation of Peoples Act, 1951?

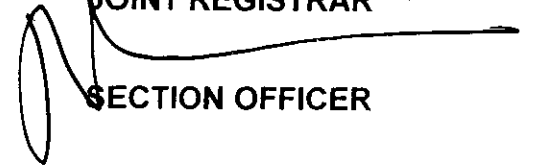
3. Whether the Election Petition does not fulfil the requirements contained in Section 83 (1) (b) of the act to substantiate corrupt practices?
4. Whether the minor omissions in the Form 26 affidavit which do not have any bearing on the election can be a ground for election petition?
5. Whether the Election Petitioner entitled to be declared as elected candidate from 006-Khanapur Assembly Constituency- (ST)?
6. To what relief?

Post after two (2) weeks for providing list of witnesses.

List on 07/08/2025

//TRUE COPY//

SD/- K. SRINIVASA RAO
JOINT REGISTRAR


SECTION OFFICER

To,

1. Mr. Lokesh Kumar, Additional Chief Electoral Officer, State Election Commission, BRKR Bhavan, Hyderabad.
2. The Secretary, Telangana State Legislative Assembly, Legislative Assembly Building, Nampally, Hyderabad.
3. The Returning Officer, Revenue Divisional Officer (Revenue), Utnoor, 06 Khanapur Assembly Constituency, Nirmal District, Telangana State.
4. The Section Officer, O.S. Section, High Court for the State of Telangana at Hyderabad.
5. Johnson Naik Bhukya, S/o. Samuel Naik Bhukya, R/o. H.No.16-48/3, Gandhi Nagar, Khanapur, Telangana.
6. The Election Commission of India, Rep. by its Chief Commissioner, Nirvachan Sadan, Ashoka Road, New Delhi 110001.
7. The State Election Commission, Rep. by its Chief Electoral Officer, B.R.K.R. Bhavan, Hyderabad.
8. The District Election Officer / District Collector, Nirmal District, Telangana
9. Vedma Bhojju, S/o Vedma Bheemrao, , R/o. H.No. 1-15, Kallurguda Vg of Ghanpur Gp, Utnoor Mandal, Adilabad District
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16. Athram Ravindhar, S/o. Athram Malku, R/o. H.No 2-121, ST Colony, Chinna Bellal, Kaddam
17. Nethavath Rajender, S/o. Nethavath Ramdas, R/o H.No. 14-50/6, Old Uttnoor, Uttnoor Mandal, Adilabad District.
18. Mohan, S/o. Jemla Rathod, R/o. H.No.5-44, Sakera Jemlathanda Uttnoor Mandal, Adilabad District
19. One CC to Sri. N. Anirudh, Advocate [OPUC]
20. One CC to Sri Mohammed Omer Farooq, Advocate [OPUC]
21. One CC to Sri R. Giri Kumar, Advocate [OPUC]
22. Two CD Copies

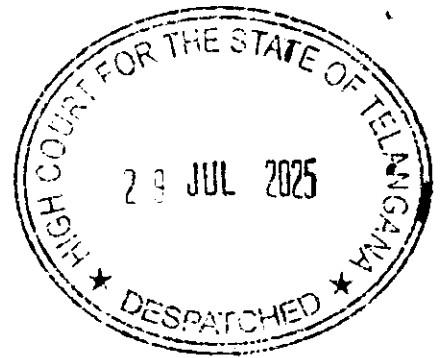
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HIGH COURT

DATED:25/07/2025

List on 07/08/2025



ORDER

EP.No.12 of 2024

DIRECTION

(24)

kpr

28/7/25