

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

THE HON'BLE SRI JUSTICE K.SARATH

I.A.No.8 of 2024 in E.P.No.12 of 2024

Date:09.01.2026

Between:

Johnson Naik Bhukya.

...Petitioner

And

The Election Commission of India, rep. by its Chief
Commissioner, New Delhi and others.

...Respondents.

ORDER:

This Election Petition is filed to declare the election of the respondent No.5 as the Member of Telangana Legislative Assembly from 006-Khanapur Assembly Constituency (ST), Nirmal District on 03.12.2023 as void and set aside the same and to declare the petitioner as elected candidate from 006-Khanapur Assembly Constituency and to award costs.

2. The Interlocutory Application in I.A.No.8 of 2024 in E.P.No.12 of 2024 is filed to grant leave to the election petitioner to file Rejoinder and material papers which

were filed with E.P.USR No.118906/2024 and E.P.USR No.118908/2024 both dated 02.12.2024 respectively.

3. Heard Sri J. Prabhakar, learned Senior Counsel for Sri Anirudh Nellikonda, learned counsel for the petitioner/election petitioner and Sri C. Raghu, learned Senior Counsel for Sri R. Giri Kumar, learned counsel for the respondent No.5/respondent No.5 in election petition and perused the material on record.

4. Learned Senior Counsel for the petitioner submits that in the election petition, the respondent No.5 has filed written statement contradicting the pleadings in the election petition and also introduced new pleas which are false and fabricated. He submits that in order to submit the substantial real facts before this Court in view of the said contradictions and newly introduced false and fabricated pleas made by the election petitioner in his written statement, the petitioner filed Rejoinder along with material papers with E.P.USR Nos.118906/2024 and 118908/2024 both dated 02.12.2024 respectively

and requested to grant leave to the petitioner to file the said Rejoinder and material papers.

5. After arguing for some time, learned Senior Counsel for the petitioner submits that the election petitioner is not pressing for the pleadings in para 17 of the Rejoinder in E.P.USR No.118906 of 2024.

6. Learned Senior Counsel for the respondent No.5 submits that this petition does not contain any material particulars regarding the Rejoinder or the documents sought to be filed by the petitioner as those documents are very much available and within the knowledge and possession of the petitioner at the time of filing the election petition. He submits that this petition is nothing but an attempt to fill up the lacunae of the original pleadings which is impermissible under law. He further submits that the petition is devoid of merits and suffers from delay and the same is liable to be dismissed.

7. After hearing both sides and perusal of the record, this Court is of the considered view that this

petition is filed to grant leave to file Rejoinder with E.P.USR No.118906 of 2024 and material papers with E.P.USR No.118908 of 2024, both filed on 02.12.2024. The contention of the election petitioner is that the petitioner filed Rejoinder to deny the written statement filed by the respondent No.5 and also new facts were brought in the written statement and in view of the same, it is necessary to file rejoinder for denying the allegations made by the respondent No.5 in the written statement and filed E.P.USR No.118906 of 2024. The election petitioner can file Rejoinder to deny the written statement filed by the respondent No.5, but he cannot plead new grounds or new facts through Rejoinder. The Rejoinder can be acceptable not beyond the scope of the election petition. In view of the same, the pleadings of the petitioner in Rejoinder can be taken into account to some extent with regard to the averments pertaining to the election petition. As fairly conceded by the learned Senior Counsel for the election petitioner that in para 17 of the Rejoinder, the petitioner is seeking beyond the prayer as

mentioned in the election petition and in view of the same, the same cannot be taken into account and the Rejoinder with E.P.USR No.118906 of 2024 is liable to be partly allowed.

8. The petitioner filed material papers in E.P.USR No.118908 of 2024 with four volumes from page Nos.11 to 1123. Volume-I consisting of page Nos.11 to 237, Volume-II consisting of page Nos.238 to 513, Volume-III consisting of page Nos.514 to 877 and Volume-IV consisting of page Nos.877 to 1123. The petitioner filed certified copies of FIRs from Sl.No.4 to 58 shown as annexure A-9-1 to A-9-52, A-10-1, A-10-2, A-11-1 from page Nos.11 to 701, which were already filed along with the election petition with photo copies and now the petitioner wants to file certified copies and the same can be taken into account on record. The material papers in Sl.Nos.66, 67 and 68 shown as annexure A-24 to A-26 at page Nos.850 to 861 are with regard to annexure 43 in Form-C(I) published in newspaper issued by the respondent No.5 and the same can be taken into account

on record. The material papers in Sl.No.70 annexure A-28 at page Nos.878 to 930 are with regard to the Election Commission of India Guidelines of Publicity of Criminal Antecedents and the same can be taken into account on record. The material papers in Sl.No.71 is the photo copy of Dharani Portal with annexure at page Nos.931 to 933 with regard to the land admeasuring to an extent of Ac.0-34 gts in Sy.No.56/42/A situated at Danthanpally Village, Utnoor Mandal, Adilabad District and the same can be taken into account on record. The material papers in Sl.No.72 with annexure A-30 at page Nos.934 to 935 are with regard to market value of the said land issued by the Tahsildar-Joint Sub-Registrar, Utnoor, Adilabad and the same can be taken into account on record.

9. The remaining material papers from Sl.Nos.59 to 65 with annexure A-17 to A-23, Sl.No.69 with annexure A-27 and Sl.Nos.73 to 79 with annexure Nos.A-31 to A-40 filed by the petitioner are not in consonance with the pleadings in the election petition and also the material papers filed along with the election petition. In

view of the same, the said material papers filed by the petitioner are liable to be rejected for receiving on record.

10. In view of the above findings, I.A.No.8 of 2024 in E.P.No.12 of 2024 is allowed in part by deleting para 17 of the Rejoinder in E.P.USR No.118906 of 2024 in E.P.No.12 of 2024 and permitted the material papers as mentioned in para 8 of this order on record filed in E.P.USR No.118908 of 2024 in E.P.No.12 of 2024. No order as to costs.

JUSTICE K.SARATH

Date:09.01.2026.
sj