

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

FRIDAY, THE NINETEENTH DAY OF APRIL  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE DR. JUSTICE G.RADHA RANI**

**I.A.No.2 OF 2024**

**IN**

**ELECTION PETITION NO: 24 OF 2024**

**Between:**

Chief Electoral Officer, Telangana State, Office of the Chief Electoral Officer, Telangana, BRKR Bhavan, Government Offices Complex, Aadarsh Nagar, Hyderabad-500063, represented by the Additional CEO, Mr. Lokesh Kumar.

**...Petitioner/Third Party/Applicant**

**AND**

1. Surendar Jajala, S/o Narsaiah Jajala, Aged 50 yrs, Occ Social Service, R/o H.No. 2-52/3, Nallamadugu Village and Post of Lingampet Mandal, Kamareddy District, Telangana State. Bharata Rashtra Samithi Party. (Sl.No 4 in Form No.7A)

**...Respondent/Election Petitioner**

2. K. Madan Mohan Rao, S/o K. Rajeshwar Rao, Aged. 54 yrs, Occ. Not Known, R/o. H.No. 8-2-293/82/F-11/A/66/1, Road No.10, Jubilee Hills, Film Nagar, Hyderabad-500033. Indian National Congress Party ( Sl.No 3 in Form No.7A)
3. Jamuna Rathla, W/o Venkatnayak Rathla Aged. 47 years, Occ. Not Known, R/o. H.No. 5-4-7/1, Sai Bagh Colony High School Road , Kamareddy Town and District, Telangana State-503111. Bahujana Samaj Party (Sl.No.1 in Form No.7A)
4. Banswada Subhash Reddy,, S/o. Late Papi Reddy Aged. 59 yrs, Occ. Not Known, R/o.H.No.1-1-5/20, Near MPDO OFFICE, Yellareddy, Kamareddy District, Telangana. Bharatiya Janata Party (Sl.No 2 in Form No.7A)
5. Gurrapu Peddakolla Jai Kumar, S/o Chinnagangaram Aged. 30 yrs, Occ. Not Known; R/o. H.No. 1-29,Mombajipet Village, Lingampet Mandal, Kamareddy District, Telangana State Pin Code-503122. Bharatiya Chaitanya Yuvajana Party (Sl.No 5 in Form No.7A)
6. Balraju Talari, S/o Bhoomaiah Aged. 42 yrs, Occ. Not Known, R/o. H.No. 9-11/1, Sadashivanagar Village and Mandal, Kamareddy District, Telangana-503145 praja Shanti Party (Sl.No 6 in Form No.7A)

- 2
7. Mudricha Subash, S/o Mudricha Kishan Aged. 29 yrs, Occ. Not Known, R/o. H.No. 4-58, Mudu Mamidla Thanda, Kondapoor. Rajampet, Kamareddy-District, Telangana. Gana Suraksha Party (Sl.No 7 in Form No.7A)
  8. Srinivas Badhavath, S/o Hariya Bahavath Aged. 33 yrs, Occ. Not Known, R/o. H.No. 3-58/12, Marlakunta Thanda, Gandhari-503114. Vidyarthula Rajakiya Party ( Sl.No 8 in Form No.7A)
  9. Shambugalla Laxmaiah, S/o Late Shambugalla Pochaiah Aged. 40 yrs, Occ. Not Known, R/o. H.No. 1-68, Somaram Village Tadwai Mandal, Kamareddy District, Telangana State Pin Code-503110. Dharma Samaj Party (Sl.No 9 in Form No.7A)
  10. Amar Singh Baman, S/o Dasriya Baman Aged. 43 yrs, Occ. Not Known, R/o. H.No.3-68, Noursiram Thanda, Chadmal Village of Gandhari Mandal, Kamareddy District, Telangana State Pin Code.503114. Independent Candidate (Sl.No 10 in Form No.7A)
  11. Myathari Sanjeevulu, S/o Sailu Aged. 27 yrs, Occ. Not Known, R/o. H.No. 2-24, Math Sangam Village, Gandhari Mandal, Kamareddy-District, Telangana State. Independent Candidate ( Sl.No 11 in Form No.7A)

...Respondents/(Sl. No. 1 to 3 and 5 to 11 in Form 7A)

12. The Returning officer for Election to Telangana State Assembly, 015-Yellareddy Assembly Constituency, Yellareddy, Kamareddy district.

...Respondents/ Respondents

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the release of EVMs and VVPATs used for 015- Yellareddy Assembly Constituency in the 2023 Assembly Elections in the State of Telangana from the Godown/strong room for their use in future elections including the Lok Sabha Elections, 2024.

**Counsel for the Petitioner : Sri Mohammed Omer Farooq,  
SC for Election Commission of India**

**Counsel for the Respondent No.1 : M/S. S. Santosh Kumar**

**Counsel for Respondent Nos. 2 to 12 : --**

**The Court made the following: ORDER**

This application is filed by the petitioner/Third party applicant to permit the release of EVMs and VVPATs used for 015- Yellareddy Assembly Constituency in the 2023 Assembly Elections in the State of Telangana from the Godown/strong room for their use in future elections including the Lok Sabha Elections- 2024.

Heard the learned Standing Counsel for the Election Commission of India and the learned counsel for the respondent No.1-Election Petitioner.

- 3 -

Learned Standing Counsel for the petitioner – Election Commission of India submitted that the Election Petition was filed by the election petitioner challenging the election to Yellareddy Assembly Constituency (015), Kamareddy District. The Election Commission of India issued elaborate guidelines dated 15.07.2016 under Rule – 94 (aa) of the Conduct of Election Rules, 1961 relating to the manner in which Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trails (VVPATs) should be dealt in the event of filing and pendency of an Election Petition. The guidelines had been issued keeping in mind the hurdles that would arise with respect to re-use of EVMs in the event of filing of Election Petitions. As per the guidelines, the EC/CEO may file applications before the concerned High Court seeking release of EVMs and VVPATs which were blocked in Election Petitions, where EVMs and VVPATs were not the subject matter in order to enable the utilization of such EVMs and VVPATs in the future elections.

He further submitted that the petitioner had not raised any issue involving the EVMs and VVPATs. They were not the subject matter of the present Election Petition. As such, prayed to give a direction to release the EVMs and VVPATs in order to enable usage of the same in the upcoming Lok Sabha Elections, 2024.

Learned counsel for the respondent No.1-Election Petitioner submitted that except the VVPAT slips, the EVMs and VVPATs were not required for disposal of the case.

Considering the submissions of both the learned counsel and the guidelines issued by the Election Commission of India, dated 15.07.2016, wherein it was specified under Guideline 3(ii) that if the EVMs are not the subject of the Election Petition, an application may be moved to the concerned Court for allowing the EVMs concerned to be taken out of the strong room for any future election or any other purpose like movement, physical verification of EVMs etc., and considering that as the subject matter of the present Election Petition was not regarding any issue involving the EVMs, it is considered fit to give a direction to release the EVMs and VVPATs used for 015-Yellareddy Assembly Constituency in 2023 to be utilized in the upcoming Lok Sabha Elections, 2024.

Accordingly, the application is allowed with the above directions.

Cont. --- PTO

Sd/- C.V.MALLIKARJUNA VARMA  
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief Electoral Officer, Telangana State, Office of the Chief Electoral Officer, Telangana, BRKR Bhavan, Government Offices Complex, Aadarsh Nagar, Hyderabad-500063
2. The Secretary, Telangana State Legislative Assembly, Legislative Assembly Building, Nampally, Hyderabad.
3. The Returning officer for Election to Telangana State Assembly, 015-Yellareddy Assembly Constituency, Yellareddy, Kamareddy district.
4. The Section Officer, O.S. Section, High Court for the State of Telangana at Hyderabad.
5. One CC to M/S. S. Santosh Kumar, Advocate [OPUC]
6. One CC to Mohammed Omer Farooq, SC for Election Commission of India, Advocate [OPUC]
7. **Two CD Copies**

Njb

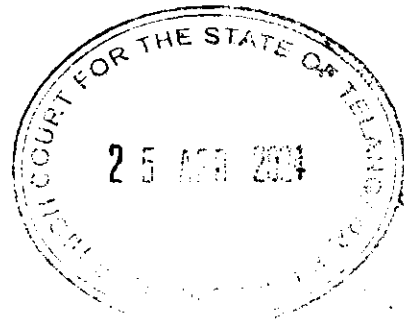


**HIGH COURT**

**Dr.GRR,J**

**DATED:19/04/2024**

**POST THE E.P. ON 25.06.2024 FOR HEARING**



**ORDER**

**I.A.No.2 of 2024**

**In**

**EP.No.24 of 2024**

**ALLOWING THE I.A**

9  
*[Signature]*  
18/25/1/2024