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

THURSDAY, THE SIXTEENTH DAY OF OCTOBER
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: 31623 OF 2025

Between:

1. Smt. Maganti Sunitha, W/o Late Sri Maganti Gopinath, Aged about- 54 years, Occ- Politician, R/o- 4, Vasanth Emerald Gardens, Madhapur, Near Kavuri Hills, Hyderabad, Telangana-500081.
2. Sri. Kalvakuntla Taraka Rama Rao,, S/o Sri Kalvakuntla Chandrashekhar Rao, Aged about- 49 years, Occ- R/o- 8-2-120/110/1/3, Nandi Nagar, Road No.14, Banjara Hills, Hyderabad, Telangana, 500034

...PETITIONERS

AND

1. The Election Commission of India, Represented by Chief Election Commissioner, Office at- Nirvachan Sadan, Ashoka Road, New Delhi 110001
2. The Chief Electoral Officer, Telangana, Office at- BRKR Bhavan Governmeit Offices Complex, NH 44, Hill Fort, Adarsh Nagar, Hyderabad, Telangana 500004
3. The Chief Registration Officer, Office at- BRKR Bhavan Government Offices Complex, NH 44, Hill Fort, Adarsh Nagar, Hyderabad, Telangana 500004
4. The State of Telangana, Rep. by its Chief Secretary Secretariat Building, 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 an appropriate writ, order or direction and more particularly in the nature of writ of Mandamus- a.Declaring the inaction of the Respondents herein in not considering the representations/objections made by the Petitioners indicating the innumerable instances of duplications and fraudulent and fictitious persons registered as voters in the Electoral Rolls pertaining to Jubilee Hills Assembly Constituency as manifestly arbitrary, illegal, unconstitutional, violative of Articles 324 to 329 of the Constitution of India, r/w provisions of the Representation of Peoples Act, 1950 and the rules framed thereunder, b.Consequently, direct the

Respondents to forthwith consider the representations/objections made by the Petitioners thereby deleting the duplicitous, fraudulent and fictitious persons from the Electoral rolls pertaining to Jubilee Hills Assembly Constituency.

IA 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 to revise the Electoral Rolls by deleting the duplicitous, fraudulent and fictitious persons as voters pending disposal of the instant Writ petition.

Counsel for the Petitioners: SRI DAMA SHESHADRI NAIDU, SR. COUNSEL
REP. FOR SRI P. MOHITH RAO

Counsel for the Respondent No.1 to 3: SRI AVINASH DESAI, SR. COUNSEL
REP. FOR SRI KOPAL SHARRAF

Counsel for the Respondent No.4: GP FOR GENERAL ADMINISTRATION DEPARTMENT

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. 31623 of 2025

ORDER:

Heard Sri Dama Sheshadri Naidu, learned Senior Counsel representing Sri P. Mohith Rao, learned counsel for petitioners, and Sri Avinash Desai, learned Senior Counsel representing Sri Kopal Sharraf, learned counsel for respondent Nos.1 to 3, and also learned Government Pleader for General Administration Department who appears for respondent No.4.

2. Petitioner No.1 claims to be a voter and contesting candidate for Member of Legislative Assembly (MLA) in the bye-election of 61-Jubilee Hills Assembly Constituency, as per the schedule of election announced by the Election Commission of India (ECI) *vide* Memo No.2080/Elecs.D/2025-7 dated 06.10.2025. Petitioner No.2 is a Working President of a political party to which petitioner No.1 belongs.

3. The bye-election has been notified on 13.10.2025 and the last date for nominations is 21.10.2025. As per the Press Note released by ECI, the process of continuous updation of electoral rolls would continue till the date of filing nominations with respect to the proximate qualifying date in respect of the applications received till ten (10) days before the last date of filing nominations.

4. The petitioners made representations to respondent No.2 - Chief Electoral Officer, Telangana State, Election Commission of India, Hyderabad, on 13.10.2025 and 14.10.2025 respectively, alleging electoral malpractices giving reference to the specific instances of multiple registrations; sudden and unverified bulk additions in certain booths. According to them, these materials collected from their field cadres estimate that 12,000 'outsider' individuals have been improperly and illegally registered as voters in 61-Jubilee Hills Assembly Constituency through the "backdoor". They requested ECI to take prompt decisive action to preserve the sanctity of the electoral process.

5. Learned Senior Counsel for the petitioners specifically referred to Section 23 of the Representation of the People Act, 1950 (for short 'the Act') which relates to inclusion of names in electoral rolls and sub-section (3) thereof, which reads as under:

> "No amendment, transposition or deletion of any entry shall be made under section 22 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this section, after the last date for making nominations for an election in that constituency or in the parliamentary constituency within which that constituency is comprised and before the completion of that election."

He has also referred to the decisions rendered in the cases of **Lakshmi Charan Sen and others v. A.K.M. Hassan Uzzaman and others**[1]**; Indrajit Barua and others v. Election Commission of India and others**[2]**,** and **Election Commission of India v. Ashok Kumar and others**[3] and also order dated 14.08.2025 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No.640 of 2025.

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[1] (1985) 4 SCC 689
[2] (1985) 4 SCC 722
[3] (2000) 8 SCC 216

Paragraph 28 of **Lakshmi Charan Sen** (supra) is extracted as under:

> "28. We have expressed the view that preparation and revision of electoral rolls is a continuous process, not connected with any particular election. It may be difficult, consistently with that view, to hold that preparation and revision of electoral rolls is a part of the 'election' within the meaning of Article 329(b). Perhaps, as stated in *Halsbury* in the passage extracted in *Ponnuswami,* the facts of each individual case may have to be considered for determining the question whether any particular stage can be said to be a part of the election process in that case. In that event, it would be difficult to formulate a proposition which will apply to all cases alike."
>
> (emphasis supplied)

He has referred to paragraph 12 of **Indrajit Barua** (supra), the relevant part of which is also extracted as under:

> "12. From the materials placed by the parties and the Election Commission, we have come to the conclusion that the Election Commission did not give directions contrary to the requirements of Section 16 of the Act and the revision of the 1979 electoral rolls could not be undertaken for reasons beyond the control of the Election Commission. As pointed out by us in our order of September 28, 1984, there was no dispute to the electoral roll of 1977 nor was any challenge advanced against the election of 1978 to the State

Legislature held on the basis of such rolls. Admittedly, the 1979 rolls were the outcome of intensive revision of the rolls of 1977. That being the position and in view of the proviso to sub-section (2) of Section 21 which we have extracted above the electoral rolls of 1979 were validly in existence and remained effective even though the process contemplated in sub-section (2) for revision had not either been undertaken or completed. It has been indicated by a Constitution Bench decision of this Court in *Lakshmi Charan Sen* v.*A.K.M. Hassan Uzzaman* [(1985) 4 SCC 689] that preparation and revision of electoral rolls is a continuous process not connected with any particular election but when an election is to be held, the electoral roll which exists at the time when election is notified would form the foundation for holding of such election. That is why sub-section (3) of Section 23 provides for suspension of any modification to the electoral roll after that last date of making of nominations for an election and until completion of the election. … … … We are not prepared to take the view that preparation of electoral rolls is also a process of election. We find support for our view from the observations of Chandrachud, C.J. in *Lakshmi Charan Sen case* [AIR 1957 SC 304 : 1957 SCR 68 : (1956) 12 ELR 443] that "it may be difficult, consistently with that view, to hold that preparation and revision of electoral roll, is a part of 'election' within the meaning of Article 329(*b*)". In a suitable case challenge to the electoral roll for not complying with the requirements of the law may be entertained subject to the rule indicated in *Ponnuswami case* [(1985) 4 SCC 689] .

But the election of a candidate is not open to challenge on the score of the electoral roll being defective."

(emphasis supplied)

Paragraph 32 of **Ashok Kumar** (supra) also is extracted as under:

"**32.** For convenience sake we would now generally sum up our conclusions by partly restating what the two Constitution Benches have already said and then adding by clarifying what follows therefrom in view of the analysis made by us hereinabove:

(*1*) If an election, (the term election being widely interpreted so as to include all steps and entire proceedings commencing from the date of notification of election till the date of declaration of result) is to be called in question and which questioning may have the effect of interrupting, obstructing or protracting the election proceedings in any manner, the invoking of judicial remedy has to be postponed till after the completing of proceedings in elections.

(*2*) Any decision sought and rendered will not amount to "calling in question an election" if it subserves the progress of the election and facilitates the completion of the election. Anything done towards completing or in furtherance of the election proceedings cannot be described as questioning the election.

(*3*) Subject to the above, the action taken or orders issued by Election Commission are open to judicial review on the well-settled parameters which enable judicial review of decisions of statutory bodies such as

on a case of mala fide or arbitrary exercise of power being made out or the statutory body being shown to have acted in breach of law.

(*4*) Without interrupting, obstructing or delaying the progress of the election proceedings, judicial intervention is available if assistance of the court has been sought for merely to correct or smoothen the progress of the election proceedings, to remove the obstacles therein, or to preserve a vital piece of evidence if the same would be lost or destroyed or rendered irretrievable by the time the results are declared and stage is set for invoking the jurisdiction of the court.

(*5*) The court must be very circumspect and act with caution while entertaining any election dispute though not hit by the bar of Article 329(*b*) but brought to it during the pendency of election proceedings. The court must guard against any attempt at retarding, interrupting, protracting or stalling of the election proceedings. Care has to be taken to see that there is no attempt to utilise the court's indulgence by filing a petition outwardly innocuous but essentially a subterfuge or pretext for achieving an ulterior or hidden end. Needless to say that in the very nature of the things the court would act with reluctance and shall not act, except on a clear and strong case for its intervention having been made out by raising the pleas with particulars and precision and supporting the same by necessary material."

It is submitted that preparation of electoral rolls is a continuous process not connected with any particular election.

At the same time, the Apex Court has held that the election of a candidate is not open to challenge on the score of the electoral roll being defective. It is also submitted that the Apex Court has also put in a word of caution that the intervention should not be made to obstruct or delay the progress of the election proceedings but to correct and smoothen the progress of the election proceedings to remove the obstacles therein. The Courts would act with reluctance and shall not act except on a clear and strong case for its intervention having been made out by raising the pleas with particulars and precision and supporting the same by necessary materials.

It is submitted that in the case of ensuing elections of the Legislative Assembly of Bihar, correction of electoral rolls is being undertaken as about 65 lakh voters, whose names appeared in the voter list in 2025 were not included in the Draft Roll dated 01.08.2025. The Apex Court had issued a slew of directions in that regard in the order dated 14.08.2025. In substance, it is contended that if the preparation and revision of electoral rolls contains fictitious names or

malpractices or multiple registrations, ECI is under a statutory obligation to make necessary corrections after due enquiry and verification but till the last date of filing nominations only.

Learned Senior Counsel for the petitioners submits that the petitioners have approached this Court with an apprehension that their representations raising serious issues in the electoral rolls of 61-Jubilee Hills Assembly Constituency are not properly examined. Appropriate direction may therefore be issued.

6. Learned Senior Counsel for respondent Nos.1 to 3 has on written instructions, submitted that respondent No.2 is in the process of undertaking scrutiny of electoral rolls. The process of updation of electoral rolls on the basis of the Registration of Electors Rules, 1960, read with Representation of the People Act, 1950, shall continue in terms of the Act till the last date of filing nominations for 61-Jubilee Hills Assembly Constituency. He submits, on instructions, that the representations of the petitioners dated 14.10.2025 and 13.10.2025 are being examined. He also submits that the

petitioners have unduly rushed to this Court when ECI and its officials are in the process of acting on the representations of the petitioners and even otherwise, as per law. Therefore, no specific direction is required to be issued by this Court in the instant Writ Petition.

7. We have taken note of the submissions of the learned counsel for the parties. We have also considered the relevant provisions relied upon by them and the decisions on the subject as referred to by the learned Senior Counsel for the petitioners. The petitioners have raised their grievances regarding multiple registrations and electoral malpractice through their representations made to respondent No.2 on 14.10.2025 and 13.10.2025, which is the date on which the elections were notified. However, the petitioners have approached this Court without waiting for consideration and action being taken on their representations by respondent No.2. The first draft of the electoral rolls was published earlier on 02.09.2025 and the final draft was published on 30.09.2025 as per the statements made by the learned Senior Counsel for

respondent Nos.1 to 3. As per the submissions of the learned Senior Counsel for respondent Nos.1 to 3, the process of updation of electoral rolls as per law is underway till the last date of filing nominations. Moreover, the representations of the petitioners alleging multiple registrations or sudden and unverified bulk additions or fraudulent entries are being looked into and a report has been called for from the District Election Officer by respondent No.2 in respect thereto.

8. In those circumstances, we are of the view that no case has been made out for issue of any direction upon respondent Nos.1 to 3 in the matter.

Accordingly, the instant Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

SD/-B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief Election Commissioner, The Election Commission of India, Office at- Nirvachan Sadan, Ashoka Road, New Delhi 110001
2. The Chief Electoral Officer, Telangana, Office at- BRKR Bhavan Governmeit Offices Complex, NH 44, Hill Fort, Adarsh Nagar, Hyderabad, Telangana 500004
3. The Chief Registration Officer, Office at- BRKR Bhavan Government Offices Complex, NH 44, Hill Fort, Adarsh Nagar, Hyderabad, Telangana 500004

4. The Chief Secretary, The State of Telangana, Secretariat Building, Hyderabad
5. One CC to SRI PONUGOTI MOHITH RAO, Advocate [OPUC]
6. One CC to SRI KOPAL SHARRAF, Advocate [OPUC]
7. Two CCs to GP for GENERAL ADMINISTRATION DEPARTMENT, High Court for the State of Telangana, at Hyderabad [OUT]
8. Two CD Copies

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HIGH COURT

DATED:16/10/2025

ORDER

WP.No.31623 of 2025



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(11) PA
3/11/25