

**HON'BLE Dr.JUSTICE G. RADHA RANI**

**I.A. No.1 of 2023**

**In**

**EP No.31 of 2019**

**ORDER:**

This application is filed by the petitioner – respondent No.1 to suspend the operation of order dated 25.07.2023 passed by this Court in EP No.31 of 2019 till furnishing the certified copy of the order.

2. Heard the learned counsel for the petitioner-respondent No.1 and the learned counsel for the respondent No.1-petitioner and the learned counsel for the respondent No.14.

3. The learned counsel for the petitioner-respondent No.1 submitted that the petitioner-respondent No.1 was serving as an elected representative and was discharging his duties and serving the constituency since the date of his election. Elections were due to be held in December of this year. If the order passed by this Court was not suspended, serious prejudice would be caused to him and prayed for suspension of the operation of the order.

4. The learned counsel for the respondent No1-petitioner in the Election Petition No.31 of 2019 vehemently opposed suspension of the operation of the order. He contended that under Section 116 B of the Representation of People Act, 1951 (for short 'RP Act') sufficient cause had to be shown by the

petitioner-respondent No.1 for suspension of the order, but no sufficient cause was stated by him except stating that he was preferring an appeal. He further contended that when the election of the petitioner was set aside by this Court as void due to the corrupt practice adopted by the petitioner-respondent No.1, he was not entitled to continue as a Member of the Legislative Assembly. He already continued as an elected representative for four and half years and that serious prejudice would be caused to the respondent No.1-petitioner if the petitioner-respondent No.1 was allowed to be continued as a member of the Legislative Assembly even after declaring the election of the petitioner-respondent No.1 as void.

5. The learned counsel for the respondent No.14, on the other hand, submitted that it was not only between the petitioner and the respondent No.1, but the electorate in a democracy were affected by continuing the petitioner who was found to have adopted corrupt practice by this Court and prayed to reject the application filed by the petitioner-respondent No.1.

6. As per Section 116 B of the RP Act, for grant of suspension of the operation of the order of this Court, sufficient cause has to be shown by the petitioner. No such sufficient cause was stated by the petitioner-respondent No.1 except stating that he served as an elected representative for four and half years. Since illegality could not be permitted to be perpetuated any more and as no imprisonment is inflicted by this Court in the said order, and the judgment

copy is also made available on the same day, this Court is not inclined to grant suspension of the order.

7. As such, this Court does not find any merit for suspending the operation of the order dated 25.07.2023 passed in EP No.31 of 2019.

8. In the result, I.A. No.1 of 2023 is dismissed.

Sd/- M. VIJAYA BHASKAR  
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

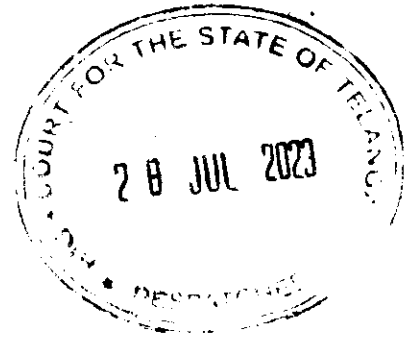
To

1. The II Additional Judicial Magistrate of First Class, Kothagudem
2. The Election Commission of India, Nirvachansadan, Ashika Road, New Delhi-110001(Along with a copy of Order dated 25.07.2023 in E.P.No.31 of 2019)
3. The Speaker of Telangana Legislative Assembly (as required under Section 103 of the Representation of People Act ), Hyderabad(Along with a copy of Order dated 25.07.2023 in E.P.No.31 of 2019)
4. The Chief Electoral Officer, State of Telangana, 'H' Block, South wing GA(Elections) Dept. Secretariat, Hyderabad. 500022.
5. The Returning Officer, 117-Kothagudem Assembly Constituency, Bhadradi Kothagudem District, Telangana State.
6. The District Electoral Officer, Bhadradi-Kothagudem District, Kothagudem.
7. The Station House Officer, Kothagudem II Town Police Station , Kothagudem
8. Mr. Vanama Venkateswara Rao, S/o Late Nagabhushanam, Age 73 Years, MLA, Kothagudem Assembly Constituency, H. No. 3-3-47/1, BCM Road, Old Palvancha, Palvancha Mandal, Bhadradi Kothagudem – District
9. The Secretary, The Telangana State Legislative Assembly , Hyderabad.
10. The Section Officer, O.S. Section, High Court for the State of Telangana at Hyderabad.
11. One CC to SRI K. RAMESH, Advocate [OPUC]
12. One CC to Sharath Tadakamalla, Advocate (OPUC)
13. One CC to SRI. GOPINATH LAKKINENI Advocate [OPUC]
14. One CC to SRI P. SHRAVAN KUMAR GOUD , Advocate (OPUC)
15. One CC to SRI M.S.R. RAVI CHANDRA, Advocate (OPUC)
16. One CC to SRI K. MAHADEVA, Advocate (OPUC)
17. One CC to SRI S. MADAN MOHAN RAO , Advocate (OPUC)
18. Two CD Copies

*An*

HIGH COURT

DATED:27/07/2023



ORDER

I.A. NO. 1 OF 2023

IN

ELECTION PETITION No.31 of 2019

DISMISSING THE I.A NO. 1 OF 2023

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M/A  
28/7/23