

HON'BLE SRI JUSTICE K. LAKSHMAN

ELECTION PETITION No.1 OF 2022

ORDER:

Heard Mr. Ghanshyamdas Mandhani, learned counsel representing Mr. Bankatlal Mandhani, learned counsel for Election Petitioner, Mr. B. Nalin Kumar, learned Senior Counsel representing Ms. Pratusha Boppana, learned counsel appearing for respondent No.1 - Returned Candidate, Mr. Avinash Desai, learned senior counsel representing Mr. Mohammed Omer Farooq, learned counsel for respondent No.5 and Mr. K.S. Rahul, learned counsel representing Ms. Padma Sharanappal, learned counsel for respondent No.6.

2. This Election Petition is filed by the Election Petitioner under Sections - 37, 80, 80A, 81, 83, 84, 99, 98, 100 (1) (c), 100 (1) (d) (iv), 101 and 123 of the Representation of the People Act, 1951, hereinafter referred to as 'Act, 1951', to declare the election of respondent No.1 as Returned Candidate of Telangana Legislative Council from 01-Adilabad Local Authorities' Constituency, dated 14.12.2021, published in Telangana Gazette 65, dated 15.12.2021 as void.

FACTS OF THE CASE:

3. Pursuant to the press note dated 09.11.2021, the Election Commission of India, vide Memo No.3133/Elecs.D/A2/2021-6, dated 09.11.2021, communicated the schedule of election with regard to Biennial Election to the Telangana Legislative Council from 09-Local Authorities Constituencies for 12 seats due to retirement of sitting members on 04.01.2022.

i) As per the said Memo, the schedule of the subject election is as follows:

S.No.	Events	Dates
01.	Issue of Notification	16.11.2021 (Tuesday)
02.	Last date of making nominations	23.11.2021 (Tuesday)
03.	Scrutiny of Nominations	24.11.2021 (Wednesday)
04.	Last date for Withdrawal	26.11.2021 (Friday)
05.	Date of Poll	10.12.2021 (Friday)
06.	Hours of Poll	08:00 am to 04.00 pm
07.	Counting of Votes	14.12.2021 (Tuesday)
08.	Date before which elections shall be completed	16.12.2021 (Thursday)

ii) The election petitioner filed his nomination for the subject constituency on 23.11.2021 before respondent No.5. The nomination papers were scrutinized as per the aforesaid election programme in the presence of the election petitioner, and after verification the same was accepted as valid by respondent No.5.

iii) The name of the election petitioner was included in the list of valid nominated candidates and the same was published and affixed on the Notice Board on 23.11.2021.

iv) Thereafter, the election petitioner went to Hyderabad on some personal work in respect of the election. While so, to his utter shock and surprise, he was informed by his son around 03.00 p.m. on 26.11.2021 that the final list of contesting candidates was published and the name of the election petitioner was missing. On 19.01.2022, the list of withdrawal and rejection was uploaded on the official website of respondent No.4.

v) Upon enquiry, the election petitioner learnt that one Mr. Kishan Singari, MPP Dasturabad (respondent No.6) herein, who was one of the proposers of the election petitioner for nomination, had submitted withdrawal form by forging the election petitioner's signature and by falsely claiming that the election petitioner has authorized him to submit withdrawal form. In fact, he neither signed on withdrawal form, nor authorized Mr.Kishan Singari to submit such withdrawal form on his behalf.

vi) The election petitioner came to know that such withdrawal form was forged by Mr. Kishan Singari and was filed before respondent No.5 at the instance of Telangana Rashtra Samiti Leaders, he gave a complaint to respondent No.5 narrating the same. He also gave a complaint through his AIRTEL Mobile No.9849421245 by way of WhatsApp to the mobile No.9491053696 of respondent No.5.

vii) Since the election petitioner could not contact respondent No.5, he also gave representation/complaint dated 26.11.2021 to respondent No.4. The election petitioner also made an application dated 27.11.2021 to respondent No.5 to furnish certified copies of his nomination form as well as forged form of withdrawal of nomination along with alleged authorization form, but the same were not furnished to him.

viii) The election was conducted as per the schedule mentioned above and respondent No.1 herein was declared as Returned Candidate. A Gazette Notification No.65 was also published on 15.12.2021 in Telangana Gazette declaring respondent No.1 as elected candidate of the subject constituency. Thus, the consequential action of respondent No.5 resulted in deprivation of the election petitioner from contesting free and

fair election. Therefore, the said action clearly falls within the mischief of Sections - 100 (1) (c) and 100 (1) (d) (iv) read with Sections - 37 of the Act, 1951.

ix) Respondent No.5 did not follow the statutory obligation under Section - 37 of the Act, 1951. Therefore, the result of entire election of subject constituency is materially affected due to illegal acceptance of forged withdrawal form by respondent No.5 without proper satisfaction of genuineness or otherwise of alleged withdrawal form filed before him. The conduct of respondent No.5 in not uploading all the relevant documents in the official website shows his oblique motive.

x) The election petitioner lodged complaint with II-Town Police Station, Adilabad on 27.11.2021 against the said Mr. Kishan Singari, MPP Dasturabad for forgery and another complaint against respondent No.6 with Dasturabad Police Station.

xi) To withdraw the said complaints and to restrain the election petitioner from approaching this Court to challenge the subject election, respondent No.1 got foisted a complaint on 28.11.2021 through one Mrs. Shanta Puri Sharada, ZPTC Dasturabad against the election petitioner and the same was registered as Crime No.63 of 2021 for the offences

punishable under Sections - 323, 506 of IPC and Section - 3 (1) (r) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. Therefore, the present election petition is filed by the election petitioner seeking the aforesaid relief.

CASE OF RESPONDENT No.1:

4. Respondent No.1 filed his written statement denying the allegations made by the election petitioner. He further contended as follows:

i) The election petition filed by the election petitioner is not maintainable since he has filed the said election petition contending that respondent No.6, the proposer of the election petitioner, has fraudulently withdrawn his nomination. The said ground is not enumerated in the Act, 1951. The election petition filed by the election petitioner is misconceived and is not maintainable under the provisions of the Act, 1951.

ii) The election petitioner having withdrawn his nomination through respondent No.6 has come up with a false story only with the sole object of filing the present election petition by misusing the process of Court and to extract money from this respondent. The election

petitioner himself withdrew the nomination and accordingly his name did not figure in the final list of contesting candidates.

iii) The so-called Whatsapp complaint and also written representation/complaint are created by the petitioner for the purpose of filing the present election petition.

With the aforesaid submissions, respondent No.1 sought to dismiss the present election petition.

CASE OF RESPONDENT No.5:

5. Respondent No.5 filed written statement denying the allegations made by the election petitioner and further contended as follows:

i) The election petitioner submitted his nomination papers on 23.11.2021 at 2.50 p.m. As per the guidelines prescribed in chapter VI of the Returning Officer Hand Book, the scrutiny of the nomination papers submitted by the election petitioner was taken up on 24.11.2021 at 11.00 A.M. and his nomination was accepted and his name was also included in the list of contesting candidate and the same was published in Form-4 vide letter dated 24.11.2021.

ii) On 26.11.2021, respondent No.6 filed withdrawal notice from the said election in Form-5 before respondent No.5. After verification of signatures of the election petitioner and his proposer - respondent No.6 with reference to nomination paper found that the signatures tallied and found to be correct. Therefore, withdrawal of election petitioner as a candidate was accepted as per Clause - 1.1 of Chapter VII of the guidelines.

iii) The Chief Electoral Officer, Telangana had forwarded the application of the election petitioner to this respondent, who submitted a detailed report vide letter dated 26.11.2021 stating that the election petitioner was one of the contesting candidates for the subject constituency and his nomination was withdrawn pursuant to the presentation of notice of withdrawal by respondent No.6 and after due verification of the signatures of election petitioner and respondent No.6 on the withdrawal form and the nomination paper. Thus, the contention of election petitioner that the withdrawal form submitted by the election petitioner was forged is misconceived.

With the aforesaid contentions, respondent No.5 sought to dismiss the election petition.

CASE OF RESPONDENT No.6:

6. Respondent No.6 filed his written statement denying the contention of the election petitioner by contending as follows:

i) The election petitioner himself signed and handed over the withdrawal form to him to be submitted to respondent No.5 - Returning Officer. Accordingly, this respondent duly handed over the said withdrawal papers to respondent No.5 as directed by the election petitioner. Consequently, respondent No.5 duly accepted the withdrawal of the election petitioner from the election and removed his name from the final list of contesting candidates.

ii) The election petitioner is making false allegations deliberately knowing the same to be false for the purpose of filing the present election petition.

With the aforesaid contentions, respondent No.6 sought to dismiss the election petition.

SETTLEMENT OF ISSUES:

7. Basing on the aforesaid pleadings and the draft issues filed by both the learned counsel for the election petitioner and learned counsel for respondent No.1, 5 and 6, this Court has framed the following

thirteen (13) issues on 10.04.2023, however issue No.3 was re-settled vide order dated 12.04.2023.

- i. Whether respondent No.5 verified the signatures of Election Petitioner on alleged notice of withdrawal authorization (Form No.5) and satisfied itself as to genuineness of the same as contended in the written statement of respondent No.5, if not, to what relief?
- ii. Whether respondent No.5 colluded with respondent Nos.1 and 6 as contended by the Election Petitioner and accepted forged and fabricated withdrawal forms?
- iii. Whether respondent Nos.2 to 5 abdicated their responsibilities and duties as envisaged under the Representation of People Act,1951 and the Rules and the Guidelines framed thereunder, more particularly, while accepting the alleged withdrawal of nomination of Election Petitioner, if so, to what effect?
- iv. Whether respondent No.5 abdicated their responsibilities and duties as envisaged under the Representation of People Act, 1951 and the Rules and the Guidelines framed thereunder, more particularly, while accepting the alleged withdrawal of nomination of Election Petitioner, if so, to what effect?

- v. Whether the notice of withdrawal of nomination of the petitioner submitted by respondent No.6 to respondent No.5 is forged?
- vi. Whether the submission of an alleged forged notice of withdrawal of nomination of petitioner submitted by respondent No.6, a proposer of the petitioner, constitutes a ground for setting aside the Election of respondent No.1?
- vii. Whether respondent No.5 acted contrary to the provisions of Representation of People Act, 1951 in accepting the notice of withdrawal of nomination of petitioner submitted by respondent No.6?
- viii. Whether the acceptance of the notice of withdrawal of nomination of petitioner submitted by respondent No.6 constitutes the ground of improper rejection of the nomination of the petitioner under Section - 100 (1) (c) of the Representation of People Act, 1951?
- ix. Whether respondent No.5 has not complied with any particular provisions of the Constitution of India or the Representation of People Act, 1951 or Rules or Orders made under the said Act, in accepting the notice of withdrawal of nomination of petitioner submitted by respondent No.6? If yes, what are the provisions that were not complied with?
- x. What is the effect of respondent No.5 in accepting the notice of withdrawal of nomination of petitioner submitted by respondent No.6 on the Election of respondent No.1?

- xi. Whether the election of respondent No.1 is liable to be set aside?
- xii. Whether the petitioner is entitled for costs?
- xiii. To What relief?

8. Vide order dated 17.04.2023, this Court appointed Mr. T. Muralidhar, Retired District Judge, as Commissioner, to record the evidence of parties. Pursuant to the same, the learned Commissioner recorded the evidence of the election petitioner as PW.1 and marked Exs.A1 to A20 documents. RW.1 was examined on behalf of respondent No.5 and RW.2 was examined on behalf of respondent No.1 and RW.3 was examined on behalf of respondent No.6 and Exs.R1 to R4 were marked.

CONTENTIONS OF ELECTION PETITIONER:

9. It is contended by Mr. Ghanshyamdas Mandhani, learned counsel for the Election Petitioner that the election petitioner has submitted his nomination, the same was accepted and his name was also included in the list of validly nominated candidates. Thereafter, through forged withdrawal form by respondent No.6 in collusion with TRS leaders and respondent No.1 submitted to respondent No.5. Without verifying the same, respondent No.5 accepted the same. He has lodged

a complaint with respondent No.5 by sending the same through WhatsApp from his mobile No.9849421245 to respondent No.5's mobile No.9491053696. Since he was in Hyderabad, he could not contact respondent No.5 immediately, however, he gave a complaint on 26.11.2021 to respondent No.4. Thus, respondent No.5 did not follow statutory obligation under Section - 37 of the Act, 1951. Respondent No.5 has not considered the complaint including the complaint sent through WhatsApp by the election petitioner.

i) Respondent No.5 without proper satisfaction of genuineness or otherwise of alleged withdrawal letter filed by respondent No.6 accepted the same. Respondent No.5 did not upload all the requisite documents on the official website which shows her oblique motive to support respondent No.1.

ii) The election petitioner lodged a complaint on 27.11.2021 with II Town Police Station, Adilabad, against respondent No.6 for forging his signature on the withdrawal form as well as authorization letter and submitting the same with respondent No.5.

iii) The election petitioner has lodged another complaint against respondent No.6 with Dasturbad Police Station. Thus, the result of the

entire election of subject constituency has materially affected due to illegal acceptance of forged withdrawal form by respondent No.5 without proper satisfaction of genuineness or otherwise of the alleged withdrawal form along with authorization letter submitted by respondent No.6. There is no response from respondent No.5 on Ex.A10 - complaint.

iv) Though respondent No.5 has received Ex.A9 - complaint sent by the election petitioner through WhatsApp on her official number, she had not pursued the said complaint. No action was taken on Ex.A14 - complaint. Therefore, the election petitioner has filed a writ petition vide W.P. No.32201 of 2021 to declare the action of respondent Nos.4 and 5 herein in accepting forged withdrawal of nomination form allegedly submitted on behalf of the election petitioner and subsequently refusing to disregard/reject the said forged withdrawal of nomination form as illegal. Vide order dated 06.12.2021, the said writ petition was dismissed on the ground that once the process of election has commenced, the question of staying the election process or the question of permitting the election petitioner to participate in the process of election does not arise. If the election petitioner is aggrieved by the

alleged illegal acceptance of his withdrawal in respect of the nomination, he has to file an election petition.

v) Regarding forgery of Exs.R1 and 2, it is evident from the evidence of PW.2 - expert and his report vide Ex.X1.

vi) Section - 37 (3) of the Act, 1951 says that the Returning Officer shall, on being satisfied as to the genuineness of a notice or withdrawal and the identity of the person delivering it under sub-section (1), cause the notice to be affixed in some conspicuous place in his office. In the present case, respondent No.5 failed to verify the genuineness of the signature and submission of withdrawal form along with authorization said to have given by the election petitioner by respondent No.6. Thus, there is violation of Section - 37 (3) of the Act, 1951.

vii) Respondent No.5 did not follow the procedure laid down under Section 38 (1) of the Act, 1951, and there is violation of the said procedure. However, there is no time frame fixed under Section - 38 (1) of the Act, 1951 except the word 'immediately'. There is violation of Rule - 9 of the Conduct of Elections Rules, 1961 (hereinafter referred to as 'the Rules, 1961') by respondent No.5. Even with regard to the

withdrawal, procedure is prescribed under Ex.R6 - Election Hand Book, more particularly, clause - (4). Respondent No.5 did not follow the said procedure. There was no suggestion to the election petitioner (PW.1) and also respondent No.6 (RW.3) with regard to Exs.R1 and R2 which would reveal that respondent No.6 has submitted Exs.R1 and R2 to respondent No.5 colluding with respondent No.1 and his party leaders.

viii) Section - 100 of the Act, 1951 deals with 'grounds for declaring election to be void'. Non-compliance with the provisions of the Constitution or of the Act or of any Rules or orders made under the Act, 1951, is a ground to declare the election as void. Therefore, there is no need of pleading and proving the same.

ix) It is the specific contention of the election petitioner that respondent No.1 in collusion with respondent No.6 and their party leaders forged his signature on Exs.R1 and R2, prepared Ex.R1 authorization form and submitted it to respondent No.5 and the same is apparent from the evidence of PW.2 and Ex.X1 - expert's report. Respondent No.5 without verifying the same and without satisfying the rules/guidelines accepted the said nomination form illegally. Colluding with each other, respondent Nos.1, 5 and 6 deprived the election

petitioner the opportunity of contesting in the subject election. Therefore, the subject election of respondent No.1 - returned candidate of the Telangana Legislative Council from 01-Adilabad Local Authorities' Constituency, dated 14.12.2021, published in Telangana Gazette 65, dated 15.12.2021 is liable to be declared as void.

x) Learned counsel for the election petitioner has placed reliance on the decisions in **Rattan Anmol Singh v. Ch. Atma Ram**¹; **Mrs. Murial Hyden v. Mrs. Dulcie M. Robb**²; **P. ORR and Sons (P) Ltd., v. Associated Publishers (Madras) Limited**³; and **Muddasani Venkata Narsaiah (dead) through Legal Representatives v. Muddasani Sarojana**⁴.

CONTENTIONS OF RESPONDENT No.5:

10. Whereas, Mr. Avinash Desai, learned Senior Counsel representing Mr. Mohammed Omer Farooq, learned counsel for respondent No.5, contended that there is no violation of the procedure laid down under the Act, 1951 including Sections - 36, 37 and 38 and Rule - 9 of the Rules, 1961 by respondent No.5. The Returning Officer

¹. AIR 1954 SC 510

². 1991 (1) ALT 5

³. (1991) 1 SCC 301

⁴. (2016) 12 SCC 288

cannot conduct roving enquiry and cannot verify the signatures. The Returning Officer cannot come to a conclusion that the signature of the election petitioner was forged by going through the signature of the election petitioner on Exs.R1 and R2 with naked eye. Enquiry contemplated under Section - 36 of the Act, 1951 is only summary in nature. Respondent No.6 is one of the proposers of the election petitioner in the nomination form and, therefore, respondent No.5 believed him and accepted the withdrawal form (Ex.R2) submitted by him along with authorization letter (Ex.R1) issued by the election petitioner. There is no error on the part of respondent No.5.

i) In all, 23 nominations were filed for the subject constituency out of which, 21 candidates have submitted their withdrawal forms including the petitioner herein. Respondent No.5 cannot verify each and every withdrawal form and cannot conduct a roving enquiry, more particularly, with regard to the genuineness of the signature. There is no dereliction of duty on the part of respondent No.5. She has verified the signatures of the election petitioner on Exs.R1 and R2 with naked eye and since it appears similar, she accepted the same. There is no need to enquire as to why candidate himself was not present and why he has not

submitted withdrawal form in person. It is not the duty of the Returning Officer and she cannot consider the complaint sent by the election petitioner after 3.00 p.m. and she has received the said complaint at 3.39 p.m. She has displayed the list of validly nominated candidates in terms of Section - 38 of the Act, 1951. Returning Officer has no review power under Section - 37 (2) of the Act, 1951. There is no deliberate hiding of any fact. Even the Returning Officer and this Court cannot come to a conclusion with regard to the forgery signature of the election petitioner. His remedies are elsewhere.

ii) He has placed reliance on the decisions in **Uttamrao Shivdas Jankar v. Ranjitsinh Vijaysinh Mohite Patil**⁵; **Kameng Dolo v. Atum Welly**⁶; **Kisan Shankar Kathore v. Arun Dattatray Sawant**⁷; **Bhogendra Jha v. Manoj Kumar Jha**⁸; **Birad Mal Singhvi v. Anand Purohit**⁹; **Banala Krishna Murthy v. N. Gopal Reddy**¹⁰ and **Anakapalli Appalaraju v. Pentakata Siva Kondarao**¹¹.

⁵. (2009) 13 SCC 131

⁶. (2017) 7 SCC 512

⁷. (2014) 14 SCC 162

⁸. (1997) 2 SCC 236

⁹. 1988 (Supp) SCC 604

¹⁰. 83 ELR 193

¹¹. AIR 1982 AP 208

CONTENTIONS OF RESPONDENT No.1:

11. Mr. B. Nalin Kumar, learned Senior Counsel representing Ms. Pratusha Bopanna, learned counsel for respondent No.1, would contend that the present election petition filed by the election petitioner is not maintainable. The contention of the election petitioner that his signature was forged on Exs.R1 and R2 by respondent No.6 and submitted the same to respondent No.5, who has accepted the same without following procedure laid down under the Act, 1951 and the Rules, 1961 is not a ground to file the present election petition to declare the election and the returned candidate of the subject constituency as void. The election petitioner failed to plead by placing any cogent evidence to prove the subject election is materially affected. Respondent No.1 cannot be penalized for the mistake, if any, committed by respondent No.5 - Returning Officer or by respondent No.6 - proposer of election petitioner. It is not a ground to declare the election of respondent No.1 as void.

i) He has placed reliance on Section - 27 of the Act, 1950 and it deals with 'preparation of electoral rolls for Council Constituencies', but the election petitioner did not examine any voter of the said

constituency. Two candidates were in contest of the subject election i.e., respondent No.1 and respondent No.2. By virtue of the acceptance of Ex.R2 withdrawal form, respondent No.1 did not get any benefit. Respondent No.1 ultimately faced election and stood as returned candidate after election. He was not declared as returned candidate unanimously. This Court cannot rely on the deposition of PW.2 - expert and his opinion - Ex.X1, to come to a conclusion that the signature of the election petitioner is forged on Exs.R1 and R2. Expert opinion is a weak piece of evidence and it should be supported by other corroborative evidence. In the present case, there is no other cogent evidence to support the case of PW.2 and Ex.X1. With the said submissions, learned senior counsel appearing on behalf of respondent No.1 sought to dismiss the present election petition.

CONTENTIONS OF RESPONDENT No.6:

12. Mr. K.S. Rahul, learned counsel representing Ms. Padma Sharanappa, learned counsel for respondent No.6, adopted the submissions made by Mr. B. Nalin Kumar, learned Senior Counsel appearing on behalf of respondent No.1. He would further submit that there is no need to mention the date, time and place on Exs.R1 and R2 at the signature of election petitioner. Respondent No.5 has complied with

statutory obligation in terms of Section - 37 of the Act, 1951. There is no error in it. With the said submissions, he sought to dismiss the present election petition.

ANALYSIS AND FINDING ON ISSUE Nos.(i), (iii), (iv) & (v):

13. The aforesaid stated facts would reveal that, according to the election petitioner, his signature was forged on Ex.R2 - withdrawal form and also Ex.R1 - authorization letter by respondent No.6 and submitted them to respondent No.5 in collusion with respondent No.1 and his party leaders. In support of the same, he relied on the deposition of PW.2 and Ex.X1 - expert's report. On receipt of Ex.R2 - withdrawal form along with authorization letter (Ex.R21) from respondent No.6 on behalf of the election petitioner, respondent No.5 being Returning Officer has to ascertain the genuineness of the withdrawal form and identity of the person delivering it, with regard to particulars of the same in terms of Section - 37 (1) of the Act, 1951. The Returning Officer shall note thereon the date and time at which it was delivered. According to the election petitioner, respondent No.5 did not follow the said procedure.

i) In the light of the above, Sections - 36 (2) (c), 37, 38 and 100 (1) (c) and 1(d) (iv) of the Act, 1951 and Rules - 9 and 10 of the Rules, 1961 are relevant and the same are extracted hereunder:

“36. Scrutiny of nominations.—

(1) xxxxx

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:—

(a) xxxxx

(b) xxxxx; or

(c) that the signature of the candidate or the proposer on the nomination paper is not genuine.”

“37. Withdrawal of candidature.—(1) Any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as may be prescribed and shall be subscribed by him and delivered before three O’clock in the afternoon on the day fixed under clause (c) of section 30 to the returning officer either by such candidate in person or by his proposer, or election agent who has been authorised in this behalf in writing by such candidate.

(2) No person who has given a notice or withdrawal of his candidature under sub-section (1) shall be allowed to cancel the notice.

(3) The returning officer shall, on being satisfied as to the genuineness of a notice or withdrawal and the identity of the person delivering it under sub-section (1), cause the notice to be affixed in some conspicuous place in his office.”

“38. Publication of list of contesting candidates.—

(1) Immediately after the expiry of the period within which candidatures may be withdrawn under sub-section (1) of section 37, the returning officer shall prepare and publish in such form and manner as may be prescribed a list of contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period.

(2) For the purpose of listing the names under sub-section (1), the candidates shall be classified as follows, namely:—

- (i) candidates of recognised political parties;
- (ii) candidates of registered political parties other than those mentioned in clause (i);
- (iii) other candidates.

(3) The categories mentioned in sub-section (2) shall be arranged in the order specified therein and the names of candidates in each category shall be

arranged in alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars as may be prescribed.”

“100. Grounds for declaring election to be void.—

(1) Subject to the provisions of sub-section (2) if the High Court] is of opinion—

(a) xxxxx; or

(b) xxxxx; or

(c) that any nomination has been improperly rejected;

or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) xxxxx, or

(ii) xxxxx, or

(iii) xxxxx, or

(iv) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act, the High Court shall declare the election of the returned candidate to be void.

2. xxxxx”

“Rule - 2. Interpretation.—

(1) xxxxx

(2) For the purposes of the Act or these rules, a person who is unable to write his name shall, unless otherwise expressly provided in these rules, be

deemed to have signed an instrument or other paper if—

(a) he has placed a mark on such instrument or other paper in the presence of the returning officer or the presiding officer or such other officer as may be specified in this behalf by the Election Commission, and

(b) such officer on being satisfied as to his identity has attested the mark as being the mark of that person.”

“Rule - 9. Notice of withdrawal of candidature.—(1) A notice of withdrawal of candidature under sub-section (1) of section 37 shall be in Form 5 and shall contain the particulars set out therein; and on receipt of such notice, the returning officer shall note thereon the date and time at which it was delivered.

(2) The notice under sub-section (3) of section 37 shall be in Form 6.”

“Rule - 10. Preparation of list of contesting candidates.—(1) The list of contesting candidates referred to in subsection (1) of section 38 shall be in Form 7A or Form 7B as may be appropriate and shall contain the particulars set out therein and shall be prepared in such language or languages as the Election Commission may direct.

(2) Omitted

(3) If the list is prepared in more languages than one, the names of candidates therein shall be arranged alphabetically according to the script of such one of those languages as the Election Commission may direct.

(4) At an election in a parliamentary or assembly constituency, where a poll becomes necessary, the returning officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special direction issued in this behalf by the Election Commission,—

(a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and

(b) if more contesting candidates than one have indicated their preference for the same symbol decide by lot to which of such candidates the symbol will be allotted.

(5) The allotment by the returning officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the Election Commission in this behalf in which case the Election Commission may revise the allotment in such manner as it thinks fit.

(6) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the

candidate and be supplied with a specimen thereof by the returning officer.”

ii) To substantiate the said contentions, the election petitioner examined himself as PW.1 and examined the expert as PW.2 and Exs.A6 to A12, A14, A15 and A19 and also relied on Ex.X1 - expert opinion, Ex.R4 - CCTV footage, Ex.R5 - report of respondent No.5 submitted to the Chief Electoral Officer, Telangana, Ex.R6 - Hand Book of the Elections and Ex.R7 - response to the application submitted by the election petitioner under RTI Act.

iii) There is no dispute that the election petitioner herein has submitted nomination for the election of subject constituency on 23.11.2021 pursuant to Ex.A1 - schedule of elections. Respondent No.6 is one of the proposers to the said nomination. Respondent No.6 is a personal friend of the election petitioner. The said fact was also admitted by him during cross-examination. It is also not in dispute that respondent No.6 herein was the Mandal Praja Parishad (MPP) from TRS Party of Dasturabad, while the election petitioner was the ZPTC from Sarangapur Mandal. It is also not in dispute that the election petitioner, respondent No.1 and respondent No.6 belong to the very same political party i.e., TRS Party (now BRS).

iv) It is the specific contention of the election petitioner that he never gave authorization to respondent No.6 to submit withdrawal form with respondent No.5. He has not signed on Ex.R2 - withdrawal form. Even then, respondent No.5 accepted Ex.R2 without following due procedure laid down under law and deprived the election petitioner from contesting in the subject constituency.

v) In the light of the same, it is relevant to note that Section - 37 of the Act, 1951 deals with 'withdrawal of candidature'. It says any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as may be prescribed and shall be subscribed by him and delivered before three O'clock in the afternoon on the day fixed under clause (c) of section 30 to the returning officer either by such candidate in person or by his proposer, or election agent who has been authorised in this behalf in writing by such candidate.

vi) As discussed above, respondent No.6 is proposer to the nomination filed by the election petitioner vide Ex.R3. Therefore, respondent No.6 being the proposer can submit notice of withdrawal to respondent No.5.

vii) Section - 37 (3) of the Act, 1951 says that the Returning Officer shall, on being satisfied as to the genuineness of a notice or withdrawal and the identity of the person delivering it under sub-section (1), cause the notice to be affixed in some conspicuous place in the office. Rule - 9 of the Rules, 1961, deals with notice of withdrawal of candidature, and it says that a notice of withdrawal of candidature under sub-section (1) of section 37 shall be in Form 5 and it shall contain the particulars set out therein, and on receipt of such notice, the returning officer shall note thereon the date and time at which it was delivered. Rule - 9 (2) says that the notice under sub-section (3) of Section - 37 shall be in Form 6.

viii) Perusal of Ex.R2 - notice of withdrawal of candidature would reveal that it is in form No.5, and all the columns were filled in with hand-writing. It was received at 2.42 P.M. on 26.11.2021 submitted by respondent No.6 proposer. It contains the signature of respondent No.5 - Returning Officer.

ix) Ex.R1 is the withdrawal authorization form which was filled in and appears to have signed by the election petitioner. It also contains

the signature of respondent No.6 and his mobile phone Nos.9494578944 and 9398805561.

x) Respondent No.6 deposed as RW.3 in the present election petition. According to him, the election petitioner has handed over the duly filled and signed withdrawal papers to him to be submitted to respondent No.5. As directed by the election petitioner, he has submitted the same to respondent No.5, who in turn accepted the same. The allegation made by the election petitioner is that he has forged the signatures of election petitioner on Exs.R1 and R2 is false.

a) During cross-examination, he has admitted that he did not mention in his chief affidavit, the date, time and place at which the withdrawal form was handed over to him by the election petitioner. However, he denied the suggestion that he has prepared the same by forging the signatures of the election petitioner. Therefore, he has not mentioned the date, time and place intentionally.

xi) It is relevant to note that the election petitioner herein has filed an interlocutory application vide I.A. No.4 of 2023 in E.P. No.1 of 2022 to send Exs.R1 and R2 to an expert for comparison for his opinion to ascertain whether the signature appearing thereon is of the election

petitioner by comparing it with the admitted signatures in Ex.R3 - nomination form, to any recognized Central Government Forensic Institution. Vide order dated 13.10.2023, the said I.A. was allowed and Exs.R1 and R2 were sent along with Vakalat, affidavit in lieu of chief-examination of the election petitioner to the Central Forensic Science Laboratory, Ramanthapur, Hyderabad, for opinion of a handwriting expert so as to ascertain whether the signature appearing thereon is that of the election petitioner by comparing with the admitted signatures available on Ex.R3 - nomination form, Vakalat etc.

a) PW.2 is the Assistant Director and Scientist - C, Central Forensic Science Laboratory, Hyderabad. He has compared the signatures on Exs.R1 and R2 and also Ex.R3 and gave his opinion under Ex.X1. He deposed that he has examined all the documents forwarded to their laboratory carefully and thoroughly using various scientific instruments, such as angle poise lamp, hand lenses of various magnifications, stereo microscope and video spectral comparator and expressed his opinion, which is as follows:

“The person who wrote the blue enclosed signatures stamped and marked A1 to A80 did not write the red

enclosed signatures similarly stamped and marked as Q1 and Q2.”

Nothing contra was elicited from him during cross-examination.

xii) A question put by learned counsel for respondent No.1 to the election petitioner during cross-examination and answer given by him are relevant and the same are extracted below:

“**Q:** I put it to you that his signatures on nomination papers and withdrawal form and authorization letter are mine?

A: Yes. (again says) the signatures on nomination forms are mine and the other signatures are not mine.”

a) Referring to the same, learned counsel for respondent No.5 would contend that the election petitioner has signed on Exs.R1 and R2 and gave it to respondent No.6 with a request to submit the same to respondent No.5. And, now filed the present election petition with a *mala fide* intention to extract money.

b) During cross-examination by learned counsel for respondent No.1, PW.1 - election petitioner admitted that in para No.1 of Ex.A16 that “somebody has submitted an application for withdrawal”. Referring to the same, learned counsel appearing for respondent No.1 would contend that the election petitioner herein failed to allege that respondent

No.6 forged his signatures on Exs.R1 and R2 in the writ affidavit filed in support of W.P. No.32201 of 2021.

c) There is specific assertion by the election petitioner that somebody has submitted an application for withdrawal of his nomination and the same has been accepted by the Returning Officer. The said order is dated 06.12.2021. However, in Ex.A9 - complaint sent by the election petitioner to respondent No.5 and Ex.A10 - copy of complaint submitted by the election petitioner to respondent No.4 and Ex.A11 - copy of complaint submitted by the election petitioner to respondent No.4 that his proposer for nomination has submitted withdrawal form before respondent No.5 by forging his signatures at the instance of TRS leaders.

d) Thus, there is specific allegation made by the election petitioner against respondent No.6 that he has forged his signature on Exs.R1 and R2 and submitted Ex.R2 - notice of withdrawal to respondent No.5.

xiii) As rightly contended by Mr. B. Nalin Kumar, learned Senior Counsel appearing for respondent No.1 that the expert opinion is a weak piece of evidence. Relying on expert's opinion alone, this Court cannot come to a conclusion that the signature of the election petitioner is

forged on Exs.R1 and R2 and submitted the same to respondent No.5. It should be supported by other cogent evidence.

a) As discussed above, right from the beginning, the election petitioner is contending that his signature was forged on Exs.R1 and R2 by respondent No.6 in collusion with respondent No.1 and TRS leaders and submitted the same to respondent No.5. The same is also evident from Exs.A9 to A11 and A16. He has also lodged Ex.A14 - complaint with II-Town Police Station, Adilabad, alleging forgery of his signature on Exs.R1 and R2 by respondent No.6 in collusion with respondent No.1 and his party leaders. The police did not act upon the same. However, the election petitioner did not take any steps including lodging of a complaint with Higher Officials or filing of a complaint under Section - 200 of the Cr.P.C. But, non-initiation of such steps by the election petitioner is not fatal to the present election petition.

b) It is apt to note that, as stated above, the election petitioner has filed I.A. No.4 of 2023 to send his signatures on Exs.R1 and R2 for expert's opinion to compare with Ex.R3, and the said IA was allowed. The said signatures were sent to expert's opinion i.e., Central Forensic Science Laboratory, Hyderabad. PW.2 on examination of documents

gave Ex.X1 - opinion. As per deposition of PW.2 - expert and Ex.X1 - opinion of expert, the signature of the election petitioner was forged on Exs.R1 and R2. Thus, the deposition of PW.2 and Ex.X1 - opinion is supported by Exs.A9, 10 and 11 - complaints lodged by the election petitioner with respondent Nos.5 and 4 respectively; Ex.A14 - complaint lodged by him with II-Town Police Station, Adilabad, Ex.A15 - complaint along with FIR in Crime No.63 of 2021 of Dasturabad Police Station; and certified copy of order in W.P No.32201 of 2021. The depositions of PW.1 - election petitioner, PW.2 - expert and his opinion under Ex.X1 and also Exs.A9 to A11 and 14 - complaints are corroborative with each other. Nothing was elicited from PWs.1 and 2 during cross-examination to disprove Ex.X1 opinion. Thus, it can safely be concluded that the signatures of the election petitioner on Exs.R1 and R2 is forged. In the light of the same, there is no need to the election petitioner to pursue other remedies with regard to non-registration of crime against respondent No.6 basing on Ex.A14 - complaint as contended by respondent Nos.1, 5 and 6.

xiv) It is relevant to note that the election petitioner has filed a writ petition vide W.P. No.32201 of 2021 at the earliest point of time.

However, the same was dismissed vide order dated 06.12.2021 on the ground that the election process was set on motion and, therefore, the election petitioner has to file election petition, but he cannot seek to interdict with the election process. In paragraph No.7 of the writ affidavit, there is specific assertion that on further enquiry, the election petitioner learnt that respondent No.6 had allegedly submitted withdrawal forms by forging his signature and by falsely claiming that the election petitioner had authorized him to submit the said forged withdrawal forms. In fact, the election petitioner neither sent any withdrawal form, nor authorized anyone including respondent No.6 to submit the said withdrawal form on his behalf. His signature was forged.

xv) As discussed above, respondent No.5 being Returning Officer on receipt of Exs.R1 and R2 shall, on being satisfied as to the genuineness of a notice or withdrawal and the identity of the person delivering it under sub-section (1) of Section - 37 of the Act, 1951, cause the notice to be affixed in some conspicuous place of the office. Rule - 9 of the Rules, 1961 says that on receipt of notice of withdrawal, the Returning Officer shall note thereon the date and time at which it was

delivered. As discussed above, on Ex.R2, respondent No.5 has mentioned the date, time and receipt of the same.

xvi) The only aspect to be considered now is whether the Returning Officer has come to the satisfaction with regard to receipt of Exs.R1 and R2 - withdrawal authorization form and notice of withdrawal and the signature of the election petitioner on the same. Respondent No.5 - Returning Officer was examined as RW.1. In her chief-examination, she herself deposed that, she accepted the withdrawal form submitted by respondent No.6, who was the proposer of the election petitioner after verifying the signatures of the election petitioner (contesting candidate) in Withdrawal Form 5 and the signature of the election petitioner and proposer in the withdrawal authorization form with respect to the nomination paper submitted by the election petitioner and a notice in Form 6 was published on the notice board in the Collector's office regarding the candidates who have withdrawn their candidature on 26.11.2021, after 3 P.M. and also published the list in Form 7B of contesting candidates.

a) She further deposed that the election petitioner had submitted a representation to the Chief Electoral Officer, Telangana, with

allegations that his proposer has submitted the withdrawal petition by forging his signature and the Chief Electoral Officer called for a report from her. She submitted a report on 26.11.2021 to the Chief Electoral Officer, Telangana vide letter No.H4/959/2021 through *e-mail*. The CC Footage of the Collectorate Office on 26.11.2021 at 11 AM to 5 PM containing withdrawal process of MLC (Local Bodies), Adilabad was furnished to the applicant on 17.05.2022 under RTI Act.

b) It is relevant to note that respondent Nos.1 and 6 did not cross-examine RW.1 - Returning Officer.

c) During cross-examination by the election petitioner, RW.1 admitted that by Ex.A3 - letter dated 13.11.2021, her contact details have been notified at serial No.1 of the enclosure along with her mobile number i.e., 9491053696. She has submitted para-wise remarks to the Advocate General in respect of Ex.A21 - writ affidavit vide letter No.H4/959/2021, dated 03.12.2021 wherein she has not mentioned with regard to the complaint given to her by the election petitioner through WhatsApp on 26.11.2021 as asserted by the election petitioner in paragraph No.9 of the writ affidavit. She did not make any endorsement, nor recorded any remarks on Exs.R1 and R2. On receipt of Exs.R1 and

R2, she did not contact the election petitioner either by giving notice or over phone or message. She has gone through Ex.R4 pen drive, which is played at the time of her cross-examination. She also saw the person with mask submitting papers to her. She did not collect the identity particulars of that person to verify his identity. However, she volunteered that they have the entire photo electoral roll with all particulars along with photographs of candidates and proposers and as such there was no need to collect the identity particulars. She further admitted that the electoral roll is not seen on her table at that particular time, and they have the serial number and part number of all the electors including the candidates and the proposers in ready reference. In the clip, she can see that she has verified the signature of the candidate on the withdrawal papers with the pre-submitted nomination form submitted by the candidate, which is the procedure prescribed by the Election Commission. She cannot see in the clip of Ex.R4 at 00151 verification of electoral rolls by her as to the person who submitted the withdrawal form.

d) She further admitted that she did not make any note in writing in Exs.R1 to R3 about the requirements contemplated under Section - 37

of the Act, 1951. She was satisfied with the requirements. She has not asked the proposer why the candidate was not present in person for handing over the withdrawal forms since it is not mandatory as per the Rules. Enclosure to Ex.R1 contains the mobile number of election petitioner below his name. Security deposit also contains his cell number. She has not verified and signed the written statement filed on her behalf in the present election petition. She has not filled the blanks with her hand in Ex.R2, but she signed it. Ex.R2 was recorded in real time i.e., 2.42 P.M. when the same was handed over to her by respondent No.6. After 3.00 P.M., she published the list of withdrawn candidates. She cannot say the exact time of its publication. Ex.R7 was issued and CCTV footage of Collectorate office was delivered to the election petitioner subsequent to the filing of the election petition. As per the affidavit filed on her behalf in the present election petition, CCTV footage i.e., Ex.R4, dated 26.11.2021 was filed before this Court.

e) A question put by the election petitioner to respondent No.5 during cross-examination and her answer is relevant and the same are extracted hereunder:

“Q:- Have you received the whatsapp complaint, marked as Ex.A9, from the election petitioner on 26.11.2021 to your official mobile phone, as it contains two double ticks?

A:- I am not aware of the exact message. However I have submitted my report to the C.E.O. office immediately on complaint filed by the same petitioner.”

f) She is not aware of any calls made by the election petitioner to her mobile phone on 26.11.2021. Ex.R4 is the CCTV footage. She saw the clippings of Ex.R4. She has enquired with the candidates/proposers who were presenting withdrawal forms whether the signatures belong to them. She saw the clipping at 00135 of Ex.R4, wherein she turned the pages of the nomination papers and verified the signatures of the candidate as well as the proposer. She verified the signatures of the candidates and the proposers in all the cases.

xvii) The aforesaid facts would reveal that respondent No.6 has forged the signature of the election petitioner on Exs.R1 and R2 and submitted the same to respondent No.5. On receipt of the same, respondent No.5, without verifying the same and without coming to satisfaction and without following mandatory procedure as required under Section - 37 of the Act, 1951, accepted the same and published the list of validly nominated candidates i.e., Ex.A8.

xviii) In **Rattan Anmol Singh**¹, the Apex Court considered the satisfaction in terms of Rule - 2 (2) of the Rules, 1961, and in paragraph No.14 held as under:

“But we find it impossible to say that when the law requires the satisfaction of a particular officer at a particular time his satisfaction can be dispensed with altogether. In our opinion, this provision is as necessary and as substantial as attestation in the cases of a will or a mortgage and is on the same footing as the II subscribing " required in the case of the candidate himself If there is no signature and no mark the form would have to be rejected and their absence could not be dismissed as technical and unsubstantial. The "satisfaction" of the Returning Officer which the rules require is not, in our opinion, any the less important and imperative.”

a) In **Muddasani Venkata Narsaiah**⁴, the Apex Court considered the scope of Sections - 58, 17, 137 and 138 of the Act, 1872 and the facts therein are not specifically denied. In paragraph No.16, the Apex Court held as under:

“16. In *Maroti Bansi Teli v. Radhabai* [1943 SCC OnLine MP 128], it has been laid down that the matters sworn to by one party in the pleadings not challenged either in pleadings or cross-examination

by other party must be accepted as fully established. The High Court of Calcutta in *A.E.G. Carapiet v. A.Y. Derderian* [1960 SCC OnLine Cal 44] has laid down that the party is obliged to put his case in cross-examination of witnesses of opposite party. The rule of putting one's version in cross-examination is one of essential justice and not merely technical one. A Division Bench of the Nagpur High Court in *Kuwarlal Amritlal v. Rekhilal Koduram* [1949 SCC OnLine MP 35] has laid down that when attestation is not specifically challenged and witness is not cross-examined regarding details of attestation, it is sufficient for him to say that the document was attested. If the other side wants to challenge that statement, it is their duty, quite apart from raising it in the pleadings, to cross-examine the witness along those lines. A Division Bench of the Patna High Court in *Karnidan Sarda v. Sailaja Kanta Mitra* [1940 SCC OnLine Pat 288] has laid down that it cannot be too strongly emphasised that the system of administration of justice allows of cross-examination of opposite party's witnesses for the purpose of testing their evidence, and it must be assumed that when the witnesses were not tested in that way, their evidence is to be ordinarily accepted. In the aforesaid circumstances, the High Court has gravely erred in law in reversing the findings of the first appellate court as to the factum of execution of

the sale deed in favour of the plaintiff.”

b) In **Mrs. Murial Hyden**², the High Court of Andhra Pradesh at Hyderabad considered the aspect of non-denial of facts specifically. It held that material case of a party shall be put in cross-examination of opposite party’s witnesses to enable that party to meet that defence, and it is a rule of essential justice and not merely a technical rule of evidence. Failure to do so amounts to acceptance of the testimony given.

c) Thus, both respondent Nos.1 and 6 have not cross-examined RW.1 - Returning Officer. They did not put any questions to her. Therefore, failure to do so amounts to acceptance of testimony of RW.1.

d) In **P. ORR and Sons (P) Ltd.**³, the Apex Court considered the meaning of ‘immediate purpose’, and held that ‘immediate’ means “without delay”, ‘immediately’ also means ‘directly connected, not secondary or remote’ ‘not separated by any intervening medium’. The said clause denotes urgency.

e) In **Santosh Yadav v. Narender Singh**¹², the Apex Court considered the burden of proof that election materially affected as

¹². (2002) 1 SCC 160

prescribed by law is very strict, and in paragraph Nos.15 and 16 held as under:

“**15.** A word about the pleadings. Section 83 of the Act mandates an election petition to contain a concise statement of the material facts on which the petitioner relies. The rules of pleadings enable a civil dispute being adjudicated upon by a fair trial and reaching a just decision. A civil trial, more so when it relates to an election dispute, where the fate not only of the parties arrayed before the court but also of the entire constituency is at a stake, the game has to be played with open cards and not like a game of chess or hide and seek. An election petition must set out all material facts wherefrom inferences vital to the success of the election petitioner and enabling the court to grant the relief prayed for by the petitioner can be drawn subject to the averments being substantiated by cogent evidence. Concise and specific pleadings setting out all relevant material facts, and then cogent affirmative evidence being adduced in support of such averments, are indispensable to the success of an election petition. An election petition, if allowed, results in avoiding an election and nullifying the success of a returned candidate. It is a serious remedy. Therefore, an election petition seeking relief on a ground under Section 100(1)(d) of the Act, must precisely allege all

material facts on which the petitioner relies in support of the plea that the result of the election has been materially affected. Unfortunately in the present case all such material facts and circumstances are conspicuous by their absence.

16. The law as regards the result of election having been materially affected in case of improper acceptance of nomination may be summed up as under:

1. A case of result of the election, insofar as it concerns the returned candidate, having been materially affected by the improper acceptance of any nomination, within the meaning of Section 100(1)(d)(i) of the Representation of the People Act, 1951 has to be made out by raising specific pleadings setting out all material facts and adducing cogent evidence so as to enable a clear finding being arrived at on the distribution of wasted votes, that is, the manner in which the votes would have been distributed if the candidate, whose nomination paper was improperly accepted, was not in the fray.

2. Merely because the wasted votes are more than the difference of votes secured by the returned candidate and the candidate securing the next highest number of votes, an inference as to the result of the election having been materially affected cannot necessarily be drawn. The issue is one of fact and the onus of proving it lies upon the petitioner.

3. The burden of proving such material effect has to be discharged by the election petitioner by adducing positive,

satisfactory and cogent evidence. If the petitioner is unable to adduce such evidence the burden is not discharged and the election must stand. This rule may operate harshly upon the petitioner seeking to set aside the election on the ground of improper acceptance of a nomination paper, but the court is not concerned with the inconvenience resulting from the operation of the law. Difficulty of proof cannot obviate the need of strict proof or relax the rigour of required proof.

4. The burden of proof placed on the election petitioner is very strict and so difficult to discharge as nearing almost an impossibility. There is no room for any guesswork, speculation, surmises or conjectures i.e. acting on a mere possibility. It will not suffice merely to say that all or the majority of wasted votes *might have gone* to the next highest candidate. The law requires proof. How far that proof should go or what it should contain is not provided by the legislature.

5. The casting of votes at an election depends upon a variety of factors and it is not possible for anyone to predicate how many or which proportion of the votes will go to one or the other of the candidates. It is not permissible to accept the “ipse dixit” of witnesses coming from one side or the other to say that all or some of the votes would have gone to one or the other on some supposed or imaginary ground.”

In fact, in the aforesaid judgment, the Apex Court held that an election petition seeking relief on a ground under Section - 100 (1) (d) of the Act,

1951, must precisely allege all material facts on which the petitioner relies in support of the plea that the result of the election has been materially affected. As discussed above, the election petitioner herein has pleaded the same and proved it.

f) In the present case, the election petitioner specifically pleaded that by accepting Ex.R2 - withdrawal form, without following due procedure laid down under law, more particularly, Section - 37 (3) of the Act, 1951, by respondent No.5, he was deprived of contesting in the subject election. His signature was forged by respondent No.6 on Exs.R1 and R2 in collusion with respondent No.1 and his TRS party leaders submitted the same to respondent No.5, who in turn accepted the same without following the procedure laid down under law. Therefore, the same was materially affected the subject election. Thus, the election petitioner pleaded the same and proved by producing the aforesaid legally acceptable evidence.

g) In **Natwarlal v. Bhartendra Singh**¹³, the Apex Court held that in the matter of scrutiny of nomination papers, the Returning Officer discharges or exercises a quasi judicial function and that once he comes

¹³. (1953) 3 Ele.L.R. 408

to a judicial decision on the matter, he has no right to review which has to be specifically conferred upon the authorities other than the ordinary courts. Relying on the said principle, the High Court of Andhra Pradesh at Hyderabad in **Banala Krishna Murthy**¹⁰ held that the Returning Officer cannot review his decision, if any, and that if a thing is to be done in a particular manner, it must be done in that manner.

h) In **Kisan Shankar Kathore**⁷, the Apex Court in paragraph No.43 held as under:

“**43.** When the information is given by a candidate in the affidavit filed along with the nomination paper and objections are raised thereto questioning the correctness of the information or alleging that there is non-disclosure of certain important information, it may not be possible for the Returning Officer at that time to conduct a detailed examination. Summary enquiry may not suffice. The present case is itself an example which loudly demonstrates this. At the same time, it would not be possible for the Returning Officer to reject the nomination for want of verification about the allegations made by the objector. In such a case, when ultimately it is proved that it was a case of non-disclosure and either the affidavit was false or it did not contain complete information leading to suppression, it can be held at

that stage that the nomination was improperly accepted. Ms Meenakshi Arora, learned Senior Counsel appearing for the Election Commission, rightly argued that such an enquiry can be only at a later stage and the appropriate stage would be in an election petition as in the instant case, when the election is challenged. The grounds stated in Section 36 (2) are those which can be examined there and then and on that basis the Returning Officer would be in a position to reject the nomination. Likewise, where the blanks are left in an affidavit, nomination can be rejected there and then. In other cases where detailed enquiry is needed, it would depend upon the outcome thereof, in an election petition, as to whether the nomination was properly accepted or it was a case of improper acceptance. Once it is found that it was a case of improper acceptance, as there was misinformation or suppression of material information, one can state that question of rejection in such a case was only deferred to a later date. When the Court gives such a finding, which would have resulted in rejection, the effect would be same, namely, such a candidate was not entitled to contest and the election is void. Otherwise, it would be an anomalous situation that even when criminal proceedings under Section 125-A of the Act can be initiated and the selected candidate is criminally prosecuted and convicted, but the result of his

election cannot be questioned. This cannot be countenanced.”

i) In **Uttamrao Shivdas Jankar**⁵, the Apex Court held that the High Court was duty-bound to treat the matter on merits by framing issues and thereafter calling for production of evidence in support of their respective cases. The High Court should have examined the veracity of the rival claims based on the evidence produced by the parties and should have tested the correctness of the affidavits. The opinion of the handwriting expert in that regard would have been sufficient and on the basis of the same it could be possible for the High Court to decide the entire *lis* between the parties. The High Court despite being the court of original jurisdiction acted as a court of appellate jurisdiction and dismissed the petition without allowing the parties to produce evidence in support of their contentions. The Apex Court further held that a quasi-judicial authority while deciding an issue of fact may not insist upon a conclusive proof. While doing so, one has to form a *prima facie* view. Indisputably, however, in terms of subsection (5) of Section - 36 in the Handbook for Returning Officers, if any, objection is raised then while holding the summary inquiry in the matter of taking a decision on the objection as to whether the same is

valid or not, he is not only required to record his brief decision for the same but further in case of doubt the benefit must go to the candidate and the nomination paper should be held to be valid although his view may be *prima facie* a plausible view or otherwise *bona fide*.

j) As discussed above, in the present case, respondent No.5 being the Returning Officer, did not make an attempt to take a *prima facie* view on receipt of Exs.R1 and R2 from respondent No.6, more particularly, respondent No.6 is not the candidate and he is only a proposer. The said fact was also admitted by RW.1 during her cross-examination.

k) In **Anakapalli Appalaraju**¹¹, a Division Bench of High Court of Andhra Pradesh at Hyderabad considering the facts of the said case held that the petitioner therein admitted the signatures appearing on the notices of withdrawals were theirs; and pleaded that they were coerced to sign those notices of withdrawals; that the respondents therein deny the contention of the petitioners. Till the petitioner succeeds in proving that the signatures were obtained under coercion, the validity of notices of withdrawals continues to be operative. The question is, where does the truth lie in between these rival contentions of the parties. Such a

question can only be answered by a Court or a Tribunal acting on the basis of evidence and after a full investigation into facts. Clearly a summary inquiry by 2nd respondent therein can never serve the purpose. The purpose of any inquiry under Rule 13 can only be to ascertain the facts and find out the reality as different from appearances and declare on that basis the rights of the parties. For the discharge of such a responsibility, summary remedy is wholly inappropriate and inadequate summary inquiry is a singularly unsuited instrument to out truth entangled in the cobwebs of any serious controversy. It further held summary inquiry would serve no purpose if it does not help to decide the real question, whether the signatures are voluntary or not. Whether the petitioners did not act with the same caste impulsion and did act willingly sign the notices of withdrawals, may be entertaining a hope that their withdrawals would not be submitted to the acceptance of the second respondent therein and that they would themselves be returned to the Municipal Council unopposed, are all questions which would require careful factual investigation. Such an investigation can only be done fully and properly by an Election Tribunal.

l) As discussed above, in the present case, right from the beginning, the election petitioner is alleging that his signature was forged on Exs.R1 and R2 by respondent No.6 and submitted the same to respondent No.5 in collusion with respondent No.1 and his party leaders. Thus, he has specifically pleaded the same. Even at his instance, his signatures on Exs.R1 to R3 were sent for expert's opinion and PW.2 - expert gave his opinion vide Ex.X1 stating that the signatures of election petitioner on Exs.R1 and R2 do not belong to him. Thus, to prove the same, the election petitioner himself examined as PW.1 and examined the expert as PW.2 and marked the Ex.X1 report, apart from filing Exs.A9 to 11 and A14 - complaints. Therefore, the election petitioner is standing on the better footing than the parties in the aforesaid decision.

m) In **Chennadi Jalapathi Reddy v. Baddam Pratapa Reddy (dead) through Legal Representatives**¹⁴, the Apex Court held that the Court must be cautious while evaluating expert evidence, which is a weak type of evidence and not substantive in nature. It may not be safe to solely rely upon such evidence, and the Court may seek independent

¹⁴. (2019) 14 SCC 220

and reliable corroboration in the facts of a given case. Generally, mere expert evidence as to a fact is not regarded as conclusive proof of it.

n) In **Bhogendra Jha**⁸, the Apex Court held that the Returning Officer has no power to conduct roving inquiry.

o) In **Birad Mal Singhvi**⁹, the Apex Court held during the scrutiny, the Returning Officer is under a statutory duty to satisfy himself that the candidate who may have filed nomination paper possesses the necessary constitutional qualification for contesting the election. But, in the absence of any material before the Returning Officer, he is not justified taking the entries in the electoral roll into consideration and acting on the same. The decision of the Returning Officer is not final. Enquiry during scrutiny is summary in nature as there is no scope for any elaborate enquiry at that stage. Therefore, in an election petition, it is open to a party to place fresh or additional material before this Court to show that the Returning Officer's order rejecting the nomination paper was improper. It is open to this Court to take a final decision in the matter notwithstanding the order of the Returning Officer rejecting the nomination paper. If, on the basis of the material placed before this Court, it is proved that the candidate whose nomination paper

had been rejected was qualified to contest the election it is open to this Court to set aside the election. The proceedings in an election petition are not in the nature of appeal against the order of the Returning Officer. It is an original proceeding.

p) As discussed above, in the present case, the election petitioner herein has specifically pleaded that his signature was forged on Exs.R1 and R2 by respondent No.6 in collusion with respondent No.1 and his party leaders and submitted the same to respondent No.5, who in turn, without following the mandatory procedure, without conducting enquiry and without coming to a satisfaction as required under Section - 37 (3) of the Act, 1951, accepted the same. She has not considered Ex.A9 - complaint. Therefore, he has filed the present election petition pleading the same and he has proved the forgery by examining PW.2 and Ex.X1 - expert's opinion.

q) It is apt to note that Section - 37 (2) of the Act, 1951 says that no person who has given a notice of withdrawal of his candidature under sub-section (1) shall be allowed to cancel the notice. In **Kameng Dolo**⁶, the Apex Court referring to the said provision held that it reflects the sanctity of withdrawal by a candidate. Sub-section (3) of Section - 37, as

is manifest, makes it obligatory on the part of the Returning Officer to be satisfied as to the genuineness of the notice of withdrawal and the identity of the person delivering it. Thereafter, he shall cause the notice to be affixed in some conspicuous place in his office. The Apex Court further held that the only thing that the Returning Officer has to see is to verify the identity of the candidate and genuineness of the signature. The other two categories who can issue the notice have to satisfy certain conditions precedent. The notice has to be in writing, the proposer or the election agent must be in that capacity and they must have been authorized in this behalf in writing by such candidate. In the present case, there has been total non-compliance with Section - 37 of the Act, 1951.

i) As discussed above, in the present case, respondent No.5 did not even make an attempt to come to a satisfaction as to the genuineness of the notice of withdrawal submitted by respondent No.6 and the identity of respondent No.6 delivering it, more particularly, respondent No.6 is not the candidature and is only a proposer. He has submitted Ex.R2 withdrawal form in the absence of the election petitioner. The said fact was also admitted by RW.1 during cross-examination.

Therefore, there is violation of provision of Section - 37 (3) of the Act, 1951 by respondent No.5.

ii) In paragraph No.25 of the aforesaid judgment, the Apex Court considered the effect of acceptance of such withdrawal of the candidature that is in total non-compliance with the law.

iii) The analysis of Apex Court in **Kameng Dolo**⁶ is that the dictum makes it graphically clear that to sustain the ground as stipulated under Section – 100 (1) (d) (iv) of the Act, 1951, the election petitioner is required not only to plead and prove the ground but also to establish that the result of the election of the returned candidate concerned has been materially affected.

r) In **Mangani Lal Mandal v. Bishnu Deo Bhandari**¹⁵, the Apex Court while dealing with an appeal arising from the judgment passed by the High Court of Patna, where the election of the appellant was set aside, observed that to set aside the election, the High Court heavily placed reliance upon two decisions of the Apex Court, namely, **Union of India v. Assn. for Democratic Reforms [(2002) 5 SCC 294]** and **People's Union for Civil Liberties v. Union of India [(2003) 4**

¹⁵. (2012) 3 SCC 314

SCC 399] and held that suppression of facts by the returned candidate with regard to the assets and liability of his first wife and dependent children born from that wedlock was breach of Article - 19 (1) (a) of the Constitution of India and for such breach and non-compliance, the candidate who had not complied with and breached right to information of electors and on the election to suffer consequence of such non-compliance and breach and accordingly set aside the election. The Apex Court further held that in the entire election petition there was no pleading at all that suppression of the information by the returned candidate in the affidavit filed along with nomination papers with regard to first wife and dependent children from her and non-disclosure of that assets and liabilities materially affected the result of the election.

i) The Apex Court also held that a reading of Section - 100 (1) (d) (iv) of the Act, 1951 with Section - 83 of the Act, 1951 leaves no *iota* of doubt that where a returned candidate is alleged to be guilty of non-compliance with the provisions of the Constitution or the Act, 1951 Act or any Rules or Orders made thereunder and his election is sought to be declared void on such ground, it is essential for the election petitioner to aver by pleading material facts that the result of the election insofar as it

concerned the returned candidate has been materially affected by such breach or non-observance. If the election petition goes to trial then the election petitioner also has to prove the charge of breach or non-compliance as well as establish that the result of the election has been materially affected. It is only on the basis of such pleading and proof that the Court may be in a position to form opinion and record a finding that breach or non-compliance with the provisions of the Constitution or the Act, 1951 Act or any Rules or Orders made thereunder has materially affected the result of the election before the election of the returned candidate could be declared void.

ii) The Apex Court further held that a mere non-compliance or breach of the Constitution or the statutory provisions noticed above, by itself, does not result in invalidating the election of a returned candidate under Section - 100 (1) (d) (iv). The *sine qua non* for declaring the election of a returned candidate to be void on the ground under sub-clause (iv) of Section - 100 (1) (d) is further proof of the fact that such breach or non-observance has resulted in materially affecting the result of the returned candidate. In other words, the violation or breach or non-observation or non-compliance with the provisions of the Constitution or

the Act, 1951 Act or the Rules or the Orders made thereunder, by itself, does not render the election of a returned candidate void Section - 100 (1) (d) (iv). For the election petitioner to succeed on such ground *viz.*, Section - 100 (1) (d) (iv), he has not only to plead and prove the ground but also that the result of the election insofar as it concerned the returned candidate has been materially affected.

s) In **Rajendra Kumar Meshram v. Vanshmani Prasad Verma**¹⁶, the Apex Court considered the violation under Section - 100 (1) (d) of the Act, 1951 and held that under Section - 100 (1) (d), an election is liable to be declared void on the ground of improper acceptance of a nomination if such improper acceptance of the nomination has materially affected the result of the election. This is in distinction to what is contained in Section - 100 (1) (c) i.e., improper rejection of a nomination which itself is a sufficient ground for invalidating the election without any further requirement of proof of material effect of such rejection on the result of the election.

i) Relying on the said principle, in **Kameng Dolo**⁶, the Apex Court drew a distinction between improper acceptance of a nomination for such improper acceptance of the nomination has to materially affect

¹⁶. (2016) 10 SCC 75

the result of the election and the case of improper rejection of a nomination which itself is a sufficient ground for invalidating the election without any further requirement of proof or material effect of such rejection on the result of the election. The first one comes under Section - 100 (1) (d), the second one comes under Section - 100 (1) (c).

ii) It further held that Section - 37 (3) of the Act, 1951 requires the satisfaction of the Returning Officer as to the genuineness of the notice of withdrawal and the identity of the person delivering it. The words have their own significance. The language employed in Section - 37 cannot be diluted.

t) In **Rattan Anmol Singh**¹, the Apex Court while dealing with the satisfaction of the Returning Officer held that when the law requires the satisfaction of a particular officer at a particular time his satisfaction can be dispensed with altogether. Such provision is as necessary and as substantial as attestation in the cases of a will or a mortgage and is on the same footing as the “subscribing” required in the case of the candidate himself. If there is no signature and no mark the form would have to be rejected and their absence could not be dismissed as technical and

unsubstantial. The “satisfaction” of the Returning Officer which the rules require is not any the less important and is imperative.

i) Improper rejection of nomination will materially affect the result of the election.

ii) The Apex Court further held that the language employed in Section - 37 of the Act, 1951, is absolutely plain, unambiguous and unequivocal. It only admits of a singular interpretation. It is because the intention of Parliament is that due care and caution has to be taken in letter and spirit so that no confusion is created. Paragraph No.44 of the judgment in **Kameng Dolo**⁶ is relevant and the same is extracted as under:

“44. When there is no contest, and a desirable candidate for some reason is kept out of fray, the principle laid down in *Vishwanatha Reddy v. Konappa Rudrappa Nadgouda* [AIR 1969 SC 604] has to be made applicable. We are disposed to think so, when in transgression of the statutory provision, a candidate's candidature is allowed to be withdrawn, it will tantamount to sacrilege of democracy. That is why, the mandate of Section 37 of the Act has been so carefully worded. The legislature has taken pains to provide safeguards since illegal acceptance of withdrawal has the potentiality to

destroy the base of democracy and corrode its primary roots. The principle stated in *Krishnamoorthy v. Sivakumar* [(2015) 3 SCC 467], is to the effect that the sanctity of the electoral process imperatively commands that each candidate owes and is under an obligation that a fair election is held and freedom in the exercise of the judgment which engulfs a voter's right, a free choice, in selecting the candidate whom he believes to be best fitted to represent the constituency, has to be given due weightage, are never to be eroded. The responsibility of a Returning Officer being statutorily significant, he has to keep himself alive to every facet and not act in a manner that will create a dent or hollowness in the election process.”

u) In view of the aforesaid principle laid down by the Apex Court, as discussed above, in the present case, it is the specific contention of the election petitioner that his signature was forged by respondent No.6 in collusion with respondent No.1 and his party leaders on Exs.R1 and R2 and submitted the same to respondent No.5, who in turn, without coming to satisfaction and without making an attempt with regard to genuinity of the signatures and without even conducting summary enquiry accepted the same. Therefore, the said action of respondent No.5 is in violatin of Section - 37 (3) of the Act, 1951. The election petitioner has pleaded the

same right from the beginning and proved the same beyond reasonable doubt by producing legally acceptable evidence.

v) By virtue of the acceptance of Ex.R2 - withdrawal form, the election petitioner deprived from participating in the subject election. Therefore, the subject election was materially affected.

w) In the light of the aforesaid discussion, the contention of Mr. B. Nalin Kumar, learned senior counsel appearing for respondent No.1 that for the fault of respondent No.5, respondent No.1 cannot be penalized is unsustainable. Election process is sacrosanct. Free and fair election is the sacrosanct thread that weaves our Country's democratic structure. The procedure laid down under Act, 1951 and Rules, 1961 have to be followed scrupulously without any deviation. The Returning Officer cannot say go-by to the said procedure. Thus, the aforesaid issue Nos.(i), (iii), (iv) and (v) are answered in favour of the election petitioner and against respondent Nos.1, 5 and 6.

ISSUE No.(ii):

14. As discussed above, due to lapses of respondent No.5 in accepting Ex.R2 - withdrawal form, the election petitioner was deprived from contesting in the subject election. It is not a fair election. There is collusion between respondent Nos.1 and 6. However, the election

petitioner failed to establish that even respondent No.5 also colluded with respondent Nos.1 and 6. But, her action in accepting Ex.R2 - withdrawal form without coming to the satisfaction in terms of Section - 37 (3) of the Act, 1951 definitely affected the election materially. This issue is answered accordingly.

ISSUE No.(vi):

15. As discussed above, Section - 100 of the Act, 1951 deals with grounds for declaring election to be void, and Section - 100 (1) (d) (iv) says that the result of the election, insofar as it concerns, a returned candidate, has been materially affected, by any non-compliance with the provisions of the Constitution or of the Act, 1951 or of any Rules or Orders made under the said Act, the High Court shall declare the election of the returned candidate to be void. As discussed above, it is specifically pleaded and proved by the election petitioner that there is violation of Section - 37 (3) of the Act, 1951 by respondent No.5 - Returning Officer. Due to the same, the election petitioner was deprived from contesting in the subject election and, thus the subject election was materially affected. Therefore, definitely, it is a ground to declare the subject election to be void. Issue No.6 is answered in favour of the election petitioner.

ISSUE Nos.(vii) and (ix):

16. As discussed above, respondent No.5 failed to follow the mandatory procedure laid down under Section - 37 (3) of the Act, 1951. Thus, respondent No.5 has acted contrary to the provisions of the Act, 1951 in accepting the notice of withdrawal (Ex.R2) submitted by respondent No.6. Respondent No.5 failed to comply with such provisions and accepted Ex.R2 - notice of withdrawal in violation of Section - 37 (3) of the Act, 1951. Therefore, both these issues are answered in favour of the election petitioner.

ISSUE No.(viii):

17. As discussed above, Section - 100 (1) (c) of the Act, 1951 deals with rejection of nomination improperly. But, in the present case, acceptance of notice of withdrawal is in violation of Section - 37 (3) of the Act, 1951. Therefore, this issue is answered in favour of the election petitioner herein.

ISSUE No.(x):

18. As discussed above, by accepting Ex.R2 - withdrawal form by respondent No.5 - Returning Officer is in violation of Section - 35 (3) of the Act, 1951 and thus, deprived the election petitioner from contesting

in the subject election. It is a ground to declare the election of respondent No.1 - returned candidate as void. The affect is, once the election of respondent No.1 - returned candidate is declared as void, since the election petitioner is not a contestant of the said election. Therefore, fresh election has to be conducted. This issue is answered accordingly.

ISSUE No.(xi):

19. In the light of the aforesaid discussion, the subject election i.e., Telangana Legislative Council from 01-Adilabad Local Authorities' Constituency, dated 14.12.2021 and published in Telangana Gazette 65, dated 15.12.2021 is liable to be set aside and is accordingly set aside by declaring it as void. This issue is answered accordingly.

ISSUE No.(xii):

20. In view of the above discussion, the election petitioner was deprived from contesting the subject election for no fault on his part and, therefore, he is entitled for costs of Rs.50,000/- (Rupees Fifty Thousand Only). This issue is answered accordingly.

ISSUE No.(xiii):

21. In the light of the aforesaid discussion, the present Election Petition is allowed declaring the subject election i.e., Telangana Legislative Council from 01-Adilabad Local Authorities' Constituency, dated 14.12.2021 published in Telangana Gazette 65, dated 15.12.2021 as void and fresh election shall be conducted. The election petitioner is entitled for costs of Rs.50,000/- (Rupees Fifty Thousand Only).

As a sequel thereto, miscellaneous petitions, if any, pending in this Election Petition, stands closed.

ON BENCH:

At the request of learned counsel for respondent No.1 to enable him to take steps, this order is suspended for a period of four (04) weeks from today.

K. LAKSHMAN, J

3rd May, 2024
Mgr

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Petitioner:

PW.1: Mr. Pathireddy Rajeshwar Reddy (Election Petitioner)
PW.2: Mr. R.B. Bhosale (Expert)

For Respondents:

RW.1: Ms. Sikta Patnaik (Returning Officer)
RW.2: Mr. Vittal Dande (Returned Candidate & R-1)
RW.3: Mr. Singari Kishan (Respondent No.6)

**DOCUMENTS MARKED ON BEHALF OF THE
ELECTION PETITIONER**

Exhibit	Date	Description of document
Ex.P1	09.11.2021	Memo No.3133/ELECS.D/A2/2021-6 issued by the Chief Electoral Officer to hold biennial election with election program to MLC (Local Authority) Constituency along with S.65B Certificate under Indian Evidence Act, 1872.
Ex.P2	16.11.2021	Gazette Notification No.49 to hold Elections to Local Authorities' Constituency.
Ex.P3	13.11.2021	Print-out from the Official Telangana CEO Website as to contact details of RO/AROS along with S.65B Certificate under Indian Evidence Act, 1872.
Ex.P4	23.11.2021	Original Receipt for nomination paper and Notice of scrutiny
Ex.P5	23.11.2021	Copy of List of nominated candidates handed over to Election Petitioner at the time of Scrutiny.
Ex.P6	--	Print out from CEO Website as to list of nominated candidates along with S.65B certificate under Indian Evidence Act, 1672.
Ex.P7	--	Print out from CEO website as to list of withdrawal or rejected candidates showing that the withdrawal list in not uploaded by the RO along with S.65B Certificate under Indian Evidence Act, 1872.
Ex.P8	26.11.2021	Copy of list of contesting Candidates in Form 7B affixed on the Notice Board of Respondent No.5.
Ex.P9	26.11.2021	Whatsapp chat regarding Complaint to Respondent No.5 Print out along with S.65B Certificate under Indian Evidence Act, 1872 (Neat copy of the same is also filed).
Ex.P10	26.11.2021-	Complaint regarding forgery of withdrawal Letter to Respondent No.5 & Neat copy of the same.
Ex.P11	29.11.2021	Complaint to Respondent No.4 (Chief Electoral Officer).
Ex.P12	27.11.2021	Application seeking Certified Copies filed before Respondent No.5 with Copy application.

Ex.A13	15.12.2021	Gazette Notification No.65 declaring Respondent No.1 as Elected Candidate as per Form 23.
Ex.A14	27.11.2021	Office copy of Complaint to PS against Respondent No.6 with receipt and its fair copy.
Ex.A15	28.11.2021	Copy of Criminal Complaint filed by Smt. Shantapuri Sharda along with FIR.
Ex.A16	06.12.2021	CC of Order in W.P.No 32201 of 2021
Ex.A17	--	Copy of Aadhaar Card of the Election Petitioner.
Ex.A18	--	Print-out of case details of W.P. No.32201 of 21
Ex.A19	--	Pen-driver given under RTI Act by R-5
Ex.A20	--	Notice U/O.XII, R.8 of CPC given by the election petitioner to R-5 to produce originals.
Ex.A21	01.12.2021	Writ Petition and Affidavit in WP No.32201/21

Respondents

Exhibit	Date	Description of document
Ex.R1	--	Withdrawal authorization form
Ex.R2	26.11.2021	Notice of withdrawal
Ex.R3	23.11.2021	Original Nomination Papers
Ex.R4	26.11.2021	Original CCTV footage of the Collectorate Office recorded in a pen driver
Ex.R5	26.11.2021	Report submitted by RW.1 to CEO, Telangana
Ex.R6	February, 2016	Relevant pages from the Hand Book for R.O. for election to the Council of States and State Legislative Councils (Page Nos.63 to 77 and 217 to 219)
Ex.R7	17.05.2022	Response issued under RTI Act to the election petitioner enclosing CCTV footage of Collectorate Office dt.26.11.2021 from 11.00 AM to 5.00 PM

X-SERIES

Exhibit	Date	Description of document
Ex.X1	29.11.2023	Expert's Opinion/Report

3rd May, 2024
Mgr

K. LAKSHMAN, J