

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION Nos.38537 and 38927 of 2015

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18.12.2015

W.P.No.38537 of 2015:

Between:

Mohd.Feroz Khan

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.K.S.Murthy

Counsel for respondent Nos.1 and 2: Mr.B.Mahender Reddy,
Special Government Pleader for Advocate General (TS)

Counsel for respondent No.3: Mr.G.Vidya Sagar, senior counsel
for Mr.P.Sudheer Rao
standing counsel for Telangana State Election Commission

Counsel for respondent No.4: --

W.P.No.38927 of 2015:

Between:

Mudiraj Nagesh

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Ravi Shankar Jandhyala

Counsel for respondent Nos.1 and 2: Mr.B.Mahender Reddy,
Special Government Pleader for Advocate General (TS)

Counsel for respondent No.3: Mr.G.Vidya Sagar, senior counsel
for Mr.P.Sudheer Rao
standing counsel for Telangana State Election Commission

Counsel for respondent No.4: --

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The Court made the following:

COMMON ORDER:

These two writ petitions have been filed with the common grievance that before taking a decision on the legality or otherwise of deletion of 6.39 lakh voters, respondent Nos.2 and 3 have been proceeding with the finalization of reservation. These cases underwent several hearings, during which, this Court has passed various interim orders. In pursuance of order, dated 03.12.2015, in W.P.M.P.No.50529 of 2015 in W.P.No.38927 of 2015, the Election Commission of India (ECI) has taken a decision on 08.12.2015 and communicated the same to the petitioner in W.P.No.38537 of 2015, wherein it is, *inter alia*, stated as under:

“The Commission got the complaints verified and the report in this behalf was also obtained from the C.E.O., Telangana. The Chief Electoral Officer, Telangana, was also called to meet the Commission on 20th October, 2015 to personally explain the matter to the Commission. The Commission further deputed a team of senior civil servants from the State of West Bengal/Uttar Pradesh to head an audit team of officers of the Commission to the affected area to find facts of the allegations. The Commission’s team visited the State from 29th October to 2nd November, 2015 and submitted its report to the Commission.

The finding of the team is that there is no political or otherwise any deliberate motivation/attempt to delete names in an arbitrary manner. The Commission has issued strict instruction that no names of already registered voters should be deleted without proper issue of notice. The Commission’s team found that in certain cases service of notice to the registered voters, who were not found residing at the place of registration, were not proper. The Chief Electoral Officer took suo motu action to get all the names so deleted under reference, verified once again and as a result a total of 22,421 names of voters were found to be deleted without due notice and of these 21,360 names were restored in the place of registration by the EROs.

It may be submitted that Commission had directed CEO, Telangana not to delete any further name over and above 6.39 lakh voters already deleted before draft publication of rolls since it was brought to the notice of the Commission

that local body elections are likely to be held in the GHMC area and the rolls prepared by the Commission are utilized by the State Election Commissioner after duly adopting them by following prescribed procedure of law i.e., publishing the rolls of the ECI as draft and inviting claims/objections from electors of local body elections.”

At the hearing, Mr.G.Vidyasagar, learned senior counsel representing Mr.P.Sudheer Rao, learned standing counsel for Telangana State Election Commission appearing for respondent No.3, and Mr.Avinash Desai, learned standing counsel for the ECI appearing for respondent No.4, on specific instructions, submitted that no further deletion of names from any of the electoral rolls prepared by the ECI except on objections, if any, filed by individuals (in Form No.7), will be made, and that if a general revision of the electoral rolls is needed, the same will be undertaken only after completion of the Greater Hyderabad Municipal Corporation (GHMC) elections. The learned senior counsel, has further submitted that the Telangana State Election Commission will strictly adhere to the letter, dated 08.12.2015, addressed by the ECI to the petitioner in W.P.No.38537 of 2015.

In the light of the above submissions, which are placed on record, these two Writ Petitions are disposed of.

As a sequel to disposal of these Writ Petitions, W.P.M.P.Nos.49615 and 53184 of 2015 in W.P.No.38537 of 2015 and W.P.M.P.No.50164 of 2015 in W.P.No.38927 of 2015 shall stand disposed of.

C.V.NAGARJUNA REDDY, J

18th December, 2015
GHN

