

GAHC010050172024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1382/2024

AMINUR RASHID CHOUDHURY
S/O ABDUL MUQTADIR CHOUDHURY, R/O 103, STATION ROAD,
NILAMBAZAR, KARIMGANJ, ASSAM-788722

VERSUS

THE CHIEF ELECTORAL OFFICER, ASSAM AND ANR
BLOCK C, 4TH FLOOR, JANATA BHAWAN, DISPUR, GUWAHATI, ASSAM-
781006

2:THE ELECTION OFFICER
KARIMGANJ
OFFICE OF THE DEPUTY COMMISSIONER
DEPUTY COMMISSIONER OFFICE RD
KARIMGANJ
ASSAM-78871

Advocate for the Petitioner : MR G K DEKA

Advocate for the Respondent : SC, ECI

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

13.03.2024

Heard Mr. A. Sahu, learned counsel for the petitioner. Also heard Mr. A.I. Ali,

learned counsel for the respondent No.1 and Mr. S.R. Baruah, learned counsel for the respondent No.2.

2. Mr. A. Sahu, learned counsel for the petitioner, submits that the petitioner's name has been deleted from the Final Electoral Roll/Voter's List of 2024 pertaining to the Karimganj Lok Sabha Constituency. He submits that the petitioner had earlier been issued Electoral Voter Identity Card No. HXH1772581 in the name of Aminur Rashid Chowdhury and in the Draft Electoral Roll for 4 South Karimganj Part No.71, Segment No.1 Nilambazar Railway Station, the petitioner's father's name was shown as Abdul Muqtadir Chowdhury, House No.103. He submits that in terms of the proviso to Rule 21A of the Registration of Electors Rules, 1960, deletion of a voter/elector can be made only after reasonable opportunity has been given to the said person with regard to the action proposed to be taken against him. He submits that in the present case, no Notice was issued to the petitioner, prior to deleting his name from the Final Electoral Roll/Voter's List made in the year 2024. He submits that the petitioner came to know of the same when the petitioner punched his EPIC Number in the Web Portal. He also submits that though the petitioner has submitted a representation dated 01.03.2024 to the Chief Electoral Officer, Assam and the Electoral Registration Officer, Karimganj to include his name in the Final Voter's List, no decision has been taken by them till date.

3. Mr. S.R. Baruah, learned counsel for the respondent No.2 submits that the petitioner's name has already been enrolled on 08.03.2024 in the Voter's List and his EPIC No. is EOW0069336. He submits that the same is as per instructions given to him vide the para wise comments and letter dated 13.03.2024 issued by the Election Officer, Karimganj.

4. Mr. A.I. Ali, learned counsel for the respondent No.1 submits that the error has been rectified and the petitioner's name, which was erroneously deleted, has again been put in the Final Electoral Roll/Voter's List for the Karimganj Lok Sabha Constituency.

5. In view of the above submissions made by the counsels for the respondents and the instructions given to Mr. S.R. Baruah vide letter dated 11.03.2024 issued by the Election Officer, Karimganj, the writ petition has become infructuous.

6. The writ petition is accordingly closed as infructuous.

7. The instructions given to Mr. S.R. Baruah, learned counsel for the respondent No.2, vide letter No.KEL.81/2024/1 dated 11.03.2024 issued by the Election Officer, Karimganj is made a part of the record and marked as Annexure-X collectively.

JUDGE

Comparing Assistant