

GAHC020002842024



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

Case No. : WP(C)/92/2024

SMTI. RUTH POCHURY
R/O NIU COLONY, BURMA CAMP
WARD-NO. 22, H.NO. 20
DIMAPUR NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE STATE ELECTION COMMISSIONER
STATE ELECTION COMMISSION
NAGALAND KOHIMA

2:THE SECRETARY
GOVT. OF NAGALAND
DEPT. OF MUNICIPAL AFFAIRS
NAGALAND CIVIL SECRETARIAT
NAGALAND KOHIMA

3:THE DEPUTY COMMISSIONER CUM DISTRICT ELECTION OFFICER
DIMAPUR NAGALAND

4:THE RETURNING OFFICER
DIMAPUR TOWN COUNCIL
ULB ELECTIONS
DIMAPUR NAGALAN

Advocate for the Petitioner : JOSHUA SHEQI

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

07.06.2024

The petitioner herein have assailed the non-inclusion of her name in the Final Electoral Roll published on 12.04.2024 so prepared by the Nagaland State Election Commission though her name duly appears in the Legislative Assembly Constituency No. 1, Dimapur, Section No. and Name 1-United North Block.

2. This Court, *vide* an Order dated 03.06.2024 had directed the respondent No. 3 to file an affidavit apprising as to whether the draft Rolls were published and if so, when. In addition to that, this Court had also directed the respondent No. 3 to apprise this Court as to what steps have been taken pursuant to the representation submitted by the petitioner on 29.05.2024.

3. In compliance to the Order passed by this Court, the respondent No. 3 have filed an affidavit-in-opposition stating *inter alia* that the Notification dated 04.03.2024 wherein various dates have been mentioned as regards the preparation of the Electoral Rolls etc. have been duly circulated and the same have been also widely published in the newspaper including the newspaper 'Nagaland Post' dated 09.03.2024. It has also been mentioned that the draft Rolls were also published in respect to Ward Nos. 1 to 23 of the Dimapur Municipal Council on 08.03.2024. This aspect of the matter was also published in the

local daily, 'Nagaland Post' on 09.03.2024. It has also been mentioned that the petitioner's application dated 29.05.2024 was rejected holding that the time period for filing application for inclusion has lapsed.

4. Taking into account the above, this Court is of the opinion that the petitioner herein was not at all diligent and did not take appropriate steps in terms with Rule 7 of the Nagaland Municipal Election Rules, 2023 as well as the Notification dated 04.03.2024 and Form No. 11 published on 08.03.2024. In fact a similar issue raised herein had already been dismissed by this Court *vide* a Judgment and Order dated 03.06.2024 in WP(C)/87/2024.

5. The learned counsel appearing on behalf of the petitioner submits that a perusal of the affidavit filed by the respondent No. 3 would show that the petitioner had submitted an application for inclusion of her name on 29.05.2024. The concerned respondent authorities ought not have rejected the said application in as much as the respondents ought to have kept the said application for consideration in terms with Rule 12, 13 and 14 of the Nagaland Municipal Election Rules, 2023. The learned counsel further submitted that the respondent authorities ought to have kept the said application pending to be considered immediately after the final results of the impending election were over. He, therefore, submits that he may be allowed to withdraw the writ petition with liberty to file afresh challenging the said illegalities.

6. In that view of the matter, this Court permits the petitioner to withdraw the instant writ petition and grants the

liberty to re-file challenging the rejection of the petitioner's application if so advised in accordance with law.

Sd/-
JUDGE

Comparing Assistant