



2025:UHC:6767-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR
AND

THE HON'BLE JUSTICE MR. ALOK MAHRA

Public Interest Litigation No. 131 of 2025

1st August, 2025

Akash Bora

.....Petitioner

Versus

State of Uttarakhand and Others

.....Respondents

Presence:-

Mr. Tajhar Qayyum, learned counsel for the petitioner.

Mr. J.C. Pande, learned Standing Counsel for the State of Uttarakhand.

Mr. Sanjay Bhatt, learned counsel for State Election Commission/respondent nos. 4 & 6.

JUDGMENT:(per Mr. G. Narendar C. J.)

Heard learned counsel for the petitioner and the learned Standing Counsel for the State Election Commission.

2. The instant writ petition is preferred praying for the following reliefs:

"1. Direct an impartial and independent committee to conduct a fair inquiry, before 24.07.2025, into the role of Respondent Nos. 5, 6 and 7 (VDO, BLO, and Respondent No.7) in making fraudulent entries using fabricated documents, and into the involvement and eligibility of the 52 individuals to vote in the upcoming Panchayat election of the 52



individuals to vote in the upcoming Panchayat elections of Gram Panchayat Dudhlakot whose names were allegedly included illegally in the voter list.

2. Order to allow voting of these 52 individuals in the upcoming elections of gram panchayat Budhlakot if it is found by the independent committee that they are eligible to vote as per Uttarakhand Panchayat Raj Act and Constitution of India.

3. Issue a writ of mandamus directing the Respondents to delete the 52 fraudulently included names from the voter list of Gram Sabha Budhlakot after due enquiry and providing them opportunity of hearing in accordance with the provisions of the Uttarakhand Panchayati Raj Act, 2016.”

3. Learned Standing Counsel for the State Election Commission submits that, pursuant to the filing of the writ petition, action has been initiated and the Village Development Officer has been placed under suspension, and the names of such individuals, who were found not ordinarily residing in the Village, have also been deleted from the electoral roll.

4. Per contra, learned counsel for the



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petitioner would submit that some of the persons, whose names have been pointed out by the petitioner in the petition and arrayed as respondents, have already cast their votes in the elections that were held on 24.07.2025.

5. The Chief Secretary has filed compliance affidavit placing on record the stand of the State Government and the relevant portions of the affidavit reads as under:

“4. That in accordance with Section 9 of the Uttarakhand Panchayati Raj Act, 2016, the electoral roll for each constituency of the Gram Panchayat shall be prepared under the superintendence, direction and control of the State Election Commission. Further as per Section 9(10), if the Act and Rules do not provide for a matter concerning electoral roll, then the State Election Commission may, by order, make provisions in respect of the same.

5. Accordingly, the State Election Commission vide notification no.1015 dated 05.10.2024, issued direction for a detailed revision of the Panchayat Electoral rolls of all the districts of Uttarakhand (except Haridwar district), as per the provisions of



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the Uttar Pradesh Panchayati Raj (Electoral Registration) Rules, 1994. In this connection, copy of the notification dated 05.10.2024 issued by the State Election Commission is being marked and annexed as (Annexure No.1) to the affidavit.

6. That it is respectfully submitted that for the purpose of revising or preparing the electoral roll of a constituency, reliance is to be placed upon the provisions of the Uttar Pradesh Panchayati Raj (Electoral Registration) Rules, 1994.

7. Therefore, the State Government of Uttarakhand, has no role to play in so far as the preparation of Electoral Roll is concerned.”

6. If the petitioner is of the view that the elections are vitiated, it is always open for the petitioner to avail the remedy of filing an Election Petition and the Election Tribunal, being the competent authority, shall examine the issue, in accordance with law.

7. In view of the submissions made by the learned Standing Counsel for the State Election Commission that action has already been initiated,



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we are of the opinion that the instant writ petition can be disposed of by granting liberty to the petitioner to seek remedy before the Election Tribunal.

8. The writ petition stands disposed of accordingly.

9. The records presently in the custody of the Registrar (Judicial) be handed over to the learned Standing Counsel for the State Election Commission for onward transmission to the competent authority after retaining an attested copy of the same.

(G. NARENDAR, C. J.)

(ALOK MAHRA, J.)

Dated: 01.08.2025
Mamta