



Single Bench

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WRIT PETITION (C) NO. 2534/2014**

**PETITIONERS:** 1. Gauri Kashyap W/o Anil Kashyap  
Aged about 25years, R/o Village -Podi  
(Rachha) Tah. Navagarh, P.S. Navagarh  
Distt. Janjgir-Champa(C.G.)

2. Nand kishore Kashyap S/o Kartik  
Ram Kashyap aged about 29 years R/o  
Village -Podi (Rachha) Tah. Navagarh,  
P.S. Navagarh Distt. Janjgir-  
Champa(C.G.)

3. Vinay Kaushik S/o Sh. Ajitram  
Kaushik Aged about 23 years R/o  
Village -Podi (Rachha) Tah. Navagarh,  
P.S. Navagarh Distt. Janjgir-  
Champa(C.G.)

4. Ahilya Bai Kashyap W/o Sh.  
Mahendra Kumar Kashyap Aged about  
20 years R/o Village -Podi (Rachha)  
Tah. Navagarh, P.S. Navagarh Distt.  
Janjgir-Champa(C.G.)



**RESPONDENTS:**

**VERSUS**

1. Chhattisgarh Election Commission  
Through the Chief Electoral Officer of  
Chhattisgarh, Shastri Chowk, Old  
Mantralaya Premises, Raipur (C.G.)

2. District Electoral Officer of Janjgir-  
Champa, Distt. Janjgir-Champa (C.G.)

3. Assistant Registration Officer/  
Tahsildar Navagarh, Janpad  
Panchayat Navagarh (C.G.)

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(2)

**WRIT PETITION UNDER ARTICLE 226/227 OF THE**  
**CONSTITUTION OF INDIA**

**HIGH COURT OF CHHATTISGARH : BILASPUR**  
**W.P.(C) No.2534 of 2014**

**PETITIONERS**

Gauri Kashyap & others

Versus

**RESPONDENTS**

Chhattisgarh Election Commission &  
others

**Single Bench : Hon'ble Shri Justice Prashant Kumar Mishra**

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Present :- Shri Rohitashva Singh, counsel for the petitioners.  
Shri RS Marhas, counsel for respondent No.1.  
Shri S. Rathore, Dy. GA for the State.

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**ORAL ORDER**

(Passed on this 5th Day of January, 2015)

Heard learned counsel for the parties.

1. This writ petition has been preferred seeking a direction to the respondents to allow the petitioners to use their voting rights in the ensuing Gram Panchayat election.
2. It is the stand of the petitioners that their names were included in the voter list of the last Assembly and Parliamentary elections, yet when the voter list for the ensuing Panchayat election was finalized, their names have been deleted without giving any opportunity of hearing to them.
3. Matter relating to preparation of voter list is dealt with under Rules 9 to 16 of the Chhattisgarh Panchayat Nirvachan Niyam, 1995 (for short 'the Niyam, 1995'). Under the Rules, a preliminary list is published inviting claims and objections which are disposed of under Rule 12. It appears, the petitioners have not raised any objections or claims when the preliminary list was published but they have raised objections in form of representation after publication of the final list, however, at the same time, sub-rule 5 of Rule 12 contemplates filing of representation before the appellate authority, therefore, it appears that the law envisages opportunity of hearing both at the pre-decisional stage and post-decisional stage.

4. Considering the scheme of preparation of voter list under the Niyam, 1995, this Court deems it appropriate to dispose of the writ petition with liberty to the petitioners to approach the District Election Officer within a period of one week from today, and if such application is filed, the said Officer shall decide the question about inclusion of petitioners' names in the concerned voter list within a further period of one week.
5. It is made clear, since the election process has already begun, the order passed by this Court is only with respect to providing voting right to the petitioners and the order shall not, in any manner, effect the on going election, nor this order would confer a ground for challenging the election at any point of time.

Sd/-  
**Prashant Kumar Mishra**  
Judge