

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1719 of 2015

- Patiram Sahu S/o Late Bhuwan Lal Sahu, Aged About 54 Years R/o Ward No. 17, Gautiya Para Urkura, Police Station Khamtarai, Tahsil & District Raipur (Chhattisgarh), Civil & Revenue District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Arban And Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, P. S. Kewli, Tahsil & District Raipur, Civil & Revenue District Raipur (Chhattisgarh)
2. Commissioner, Chhattisgarh State Election Commission, Shastri Chowk Raipur, Police Station City Kotwali, Tahsil & District Raipur, Civil & Revenue District Raipur (Chhattisgarh)
3. District Election Officer Cum Collector Raipur, Collectrorate Building Raipur, Police Station City Kotwali, Tahsil & District Raipur, Civil & Revenue District Raipur (Chhattisgarh)
4. Registration Officer (For Election Of Municipal Corporation Birgaon), Tahsil Compound Raipur, Police Station City Kotwali, Tahsil & District Raipur, Civil & Revenue District Raipur (Chhattisgarh)
5. Commissioner Municipal Corporation Birgaon, Police Station Urla, Tahsil & District Raipur, Civil & Revenue District Raipur (Chhattisgarh)

---- Respondent

For Petitioners	Mr.Ratnesh Kumar Agarwal, Advocate
For Respondent/State	Mr. Arun Sao, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

4/11/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner is a voter of an area falling within the territorial limits of Municipal Corporation – Birgaon.

(3) In this petition under Article 226 of the Constitution of India, the petitioner is seeking a direction to the respondent authorities for correcting the anomalies in the voters' list prepared by respondent-Commission under the provisions contained in C.G. Nagarpalika Nirvachan Niyam, 1994 (in short "the Rules, 1994").

(4) It is common ground that election to the said Corporation has already been notified and is scheduled to be held on 16.11.2015.

(5) Chapter II of the Rules, 1994 makes provision for preparation of voters' list; appointment of Registration Officer; publication of voters' list for inviting claims and objections; disposal of claims and objections; inspection and issue of certified copies; duration of voters' list and its revision; finalization of voters' list; deletion of entries in the voters' list in certain cases etc.

(6) Rule 9 provides that subject to the provision of Rule 9-A, no correction in any entry or inclusion or deletion of any name shall be made in the voters' list after its finalization under Rule 6; provided that clerical, technical or printing error or omission, apparent on the face of the record, regarding any voter may be corrected by the Registration officer at any time before the last date, and time fixed for making nomination under Rule 21.

(7) Rule 9(A) provides for deletion of entries in the voters' list in certain cases. This rule applies only when a person is registered in more than one ward of the Municipality concerned or of any other Municipality or of any Panchayat, however, even this provision has no

application after expiry of last date fixed for making nomination. The statutory scheme provided under Rules, 1994 for preparation of voters' list makes it apparent that once the last date and time fixed for making nomination under Rule 21 is over, the voters' list cannot be amended or corrected except to correct a clerical or technical error or an error as contemplated under Rule 9-A.

8. As a matter of fact, once the voters' list is finalized under Rule 9, it is not open to correction except in the contingency provided under Rule 9-A. Even otherwise, the petitioner is not claiming correction of the voters' list in respect of his own registration in any ward or correction thereof. He is seeking a general direction to correct the voters' list in relation to other voters whose names are either wrongly included in the voters list or deleted from the voters' list.

9. Admittedly, the concerned individual in respect of whom allegations are levelled have not been arrayed as respondent in this writ petition.

10. It is the settled law that addition or deletion of the name of a voter, whose name finds place or is missing in a particular voters' list, cannot be made without providing opportunity of hearing to the concerned voter.

11. For the afore-stated reasons, the writ petition is neither maintainable in its present form nor has any substance on merits, therefore, it deserves to be and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

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