

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2306 of 2015**

Ashok Kumar Rajput S/o Shri Mohan Lal Rajput, Aged About 52 Years
R/o Qtr No.9/ B, Sadak No.10, Sector-8, Bhilai Nagar, Tahsil & District
(Revenue & Civil) Durg, (Chhattisgarh), Pradesh Adhyaksh Hindustan
Janta Party (Registered In Chunav Aayog) Avm Pradesh Adhyaksh Jai
Janta Jai Bharat Sangthan, Chunav Office Qtr. No.9/ B, Sadak No.- 10,
Sector- 8, Bhilai Nagar, Tahsil & Jila (Revenue & Civil)- Durg,
(Chhattisgarh)

---- **Petitioner****Versus**

1. Secretary Chhattisgarh State Election Commission Raipur,
(Chhattisgarh)
2. Collector And District Election Officer, Office Collector And District
Election Officer (Sthaniy Nirvachan), Durg, Tahsil & District (Revenue
& Civil) Durg, (Chhattisgarh)
3. Registration Officer, Nagar Palika Nigam, Bhilai, Tahsil & District
(Revenue & Civil) Durg, (Chhattisgarh)

---- **Respondent**

For Petitioner : Petitioner in person.

For Respondent No. 3 : Shri HB Agrawal, Sr. Advocate with Shri Pankaj
Agrawal, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board**22/12/2015**

1. The petitioner has preferred this writ petition under Article 226 of the
Constitution of India for a direction to the respondents to accept his
nomination for election to the office of Mayor of Municipal

Corporation, Bhilai for the ensuing election to be held on 28.12.2015.

2. The petitioner has appeared in person to argue in support of the writ petition. He would submit that the petitioner was voter of Bhilai Legislative Constituency and has voted in the last Assembly Election and Parliamentary Election as well. He is also having a valid and live EPIC number card, however, in the revision of voter list for the ensuing Municipal Corporation Election the petitioner's name has been deleted in the wrongful and malafide manner so as to deprive the petitioner from contesting the election of Mayor as a candidate of Hindustan Janta Party, a recognized and registered political party.
3. Admittedly, the petitioner's name is not included in the voter list of Municipal Corporation, Bhilai. In the election of the said Corporation, only such persons are entitled to contest whose names appear in the voter list of the Corporation area. Therefore, the petitioner is not eligible to contest the election. The last date for submission of nomination form has already expired on 14.12.2015. The polling is to be held on 28.12.2015, therefore, only 6 days are left in the election. Under the Chhattisgarh Nagarpalika Nirvachan Niyam, 1994, on revision of voter list, to delete or include any name therein is not permissible after the last date of nomination is over. If the petitioner's name was deleted from the voter list, he should have preferred writ petition well in time. At this stage, this Court cannot issue any mandamus contrary to the express statutory provisions in the election

rules.

4. For the aforesaid reasons, the writ petition has no substance, the same deserves to be and is hereby dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve