

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2170 of 2015

- Dr. Praveen Sharma S/o Shree Indarchand Sharma, Aged About 43 Years
R/o M I G 72- Vaishalinagar, Ward No. 15, Bhilai, Thana Supela, District
Durg (Chhattisgarh)

---- Petitioner

Versus

1. State Election Commission Through : State Election Commissioner, D K
S. Bhawan, Old Mantralaya, Raipur, District Raipur (Chhattisgarh)
2. Collector, Durg Durg, District Durg, Chhattisgarh.
3. District Election Officer,/ Returning Officer (Municipalities), Collector
Office, Durg, District Durg (Chhattisgarh)
4. Registration Officer/ Electoral Registration Officer (Municipality) Bhilai,
Tehsil Bhilai, District Durg (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Mahendra Dubey, Advocate
For Respondent /State	Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

7/12/2015

The petitioner is the resident of Bhilai Police Station, Supela District Durg. He is aggrieved by deletion of his name from the voters' list which has been published for the forthcoming election of the Municipal Corporation, Bhilai.

(2) According to the petitioner, his name was included in the voters' list of assembly elections and the voter ID card has also been issued by the Election Commission of India yet his name has wrongly been deleted either by mistake or ignorance from the voters' list of Bhilai Municipal Corporation. He would submit that the petitioner intends to contest the

election, however, in absence of his name finding place in the voters list, his nomination paper would be rejected.

(3) Learned counsel for the State would submit that the voters' list has already been published and the petitioner did not submit any claim or objection, therefore, the petition suffers from delay and latches. He would submit that the process of nomination has already been started from today and will continue till 14.12.2015.

(4) Rules 3 & 4 of the Chhattisgarh Nagar Palika Nirvachan Niyam, 1994 (for short "the Niyam, 1994") provide for preparation of voters' list, its publication for inviting claims and objection, whereas, Rule 5 is for deciding the claims and objections. Provisions contained in Rule 6 enjoins the Registration Officer to dispose of the claims and objections, and thereafter, the voters list is finalized, after which only clerical error can be corrected.

(5) In view of the inbuilt mechanism which also provides for deciding the claims and objections and in view of the petitioner's assertion that since he has already been issued a voter's ID Card, he was assured of inclusion of his name in the voters list, the writ petition is disposed of with a direction that on submission of certified copy of this order along with an application for inclusion of his name, in addition to the representation earlier filed on 28.11.2015, by tomorrow, the Registration Officer shall consider and decide the petitioner's request for addition of his name in the voters' list on or before 13.12.2015.

(6) Certified copy today.

Sd/-

Judge

(Prashant Kumar Mishra)