

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.6465 of 2015

Date of decision:7.4.2015

Om Parkash and others

....Petitioners

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Pardeep Bajaj, Advocate
for the petitioners.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to an order passed by the Chief Electoral Officer, Punjab on 16.02.2015 whereby the name of the petitioners was ordered to be reflected in a separate section of village Jago Sangha Polling Station No.155 Sidham Mutsaddi.

It appears that such order was passed in compliance of the order passed by this Court in CWP No.25758 of 2014 titled Hans Raj v. State of Punjab and others. In terms of the directions of this Court, Electoral Registration Officer was deputed for spot verification and report. The Electoral Registration Officer found that the voters residing in revenue estate of village Jago Sangha are presently bifurcated in two polling stations namely 154-Bath and 155-Sidham Mutsaddi and that these three villages are separate revenue/administrative units. 235 voters were relating to polling station No.155 village Sidham Mutsaddi, Serial No.15, 16 i.e. voter

No.270, 272 are listed in Sidham Mutsaddi but their residence falls in village Bath. Similarly serial No.90, 91 i.e. voter No.723, 724 are listed in Sidham Mutsaddi but their residence falls in the same village. It was reported that voter list shows the village name as Sidham Mutsaddi although technically they reside in area falling in Jago Sangha.

The Chief Electoral Officer considered two options i.e. 239 voters be included in Polling Station No.154 village Bath or a separate section of such voters be created in the Electoral Roll Part No.155 village Sidham Mutsaddi keeping in view the convenience of such voters in mind. Therefore, considering Section 19 of the Representation of the People Act, 1950, it was found that a separate section for the petitioners be created in Polling Station No.155 Sidham Mutsaddi.

The grievance of the petitioners is that the petitioners are residents of village Sidham Mutsaddi but they have been ordered to be shown as a separate section of voter list of village Jago Sangha. It is contended that the petitioners have to change their residential addresses in all documents such as passport, ration card etc which is prejudicial to their interest.

We do not find any merit in the argument raised. The order of the Chief Electoral Officer is of maintenance of Electoral Rolls for the purposes of elections of Legislative Assembly. Such Electoral Rolls does not affect any of the right of residence of the petitioners or infringes upon any other right. The petitioners continue to be voters may be of different constituency but that does not affect

their statutory right of vote. Such Electoral Rolls does not change their postal address or that of residence of their villages.

In view thereof, we do not find any merit in the present writ petition.

Dismissed.

(HEMANT GUPTA)
JUDGE

APRIL 7, 2015
'D. Gulati'

(LISA GILL)
JUDGE