

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Appeal No. 3 of 2016

Ashok Kumar Rajput S/o Shri Mohan Lal Rajput Aged About 52 Years R/o House No. 9/ B, Road 10, Sector 8, Bhilai Nagar, Tahsil & District : (Revenue & Civil) Durg (Chhattisgarh).

---- Appellant

Versus

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

---- Respondents

For Appellant	:	Shri Ashok Kumar Rajput (In Person)
For Respondent/State	:	Shri B. Gopa Kumar, Deputy Advocate General.
For Respondent No. 3	:	Shri H.B.Agrawal, Senior Advocate with Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board

Per Navin Sinha, Chief Justice

18/01/2016

1. The present appeal arises from order dated 22.12.2015 dismissing Writ Petition (C) No. 2306 of 2015 holding that if the name of the Appellant was not incorporated in the voter's list and he was prevented from filing his nomination, time limit for filing nomination having already expired, and the polls to be held within six days, no relief of the nature sought for inclusion in the voter's list could be granted.
2. The Appellant appearing in person, from outside the pleadings in the writ petition and the appeal, submits that he had made a request for shifting his name

from the voter's list of one ward to another. It was deleted from the earlier ward but was not added in the subsequent ward. He was thus deprived from filing his nomination and putting forth his candidature for elections.

3. We have heard Learned Deputy Advocate General for the State and Learned Senior Counsel for Respondent No. 3 also.

4. Even if we ignore the pleadings with regard to the grounds urged before us, the fact remains that even the elections have been held on 28.12.2015. It stands settled law that preparation and publication of the voter's list is also a part of the election process as held in (2001) 8 SCC 509 [Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha v. State of Maharashtra] also.

5. We put a question to the Appellant in person as to whether the draft voter's list had been published and objections invited or not. He submits that he is not aware of these facts but his grievance is that his nomination was not wrongly accepted.

6. There shall be a presumption that procedure for publication of the draft voter's list, fixing the time limit for filing objections were followed unless it is shown to the contrary. Now that the elections are over, if aggrieved, the appropriate remedy for the Appellant lies in an election petition.

7. The appeal is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE