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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2444/2017

Date of decision: 16th March, 2017

JAGDISH PAWAR

..... Petitioner

Through Mr. Sudhir Naagar, Mr. Vijay Kasana, Ms. Priyanka Khattar and Mr. Prashant Khatana, Advocates.

versus

STATE ELECTION COMMISSION & ORS

..... Respondent

Through Mr. Summet Pushkarna, Standing Counsel, Mr. Siddhartha Nagpal, Advocate and Mr. Girish Pandey, Deputy Secretary, State Election Commission.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

SANJIV KHANNA, J. (ORAL)

Jagdish Pawar has filed the present Public Interest Litigation on two grounds. Firstly, it is asserted that the twelve thousand voters of Constituent Assembly No.31 have not been included in any of the Wards carved out of the Constituent Assembly, thereby denying them voting right. Secondly, objection is raised as to the Ward numbers awarded to Ranhola, Vikas Nagar, Vikas Puri, Sainik Enclave, Bapraula and Hastal. To highlight the importance of numbers, it is

pointed out that each even number ward has been reserved for woman candidate.

2. On the first aspect, learned counsel for the State Election Commission has pointed out that the assertion made is factually incorrect as the twelve thousand voters referred to by the petitioner have been included in Ward No. 21-S Hastal. They would be entitled to cast their votes in the forthcoming municipal elections in Polling Station Nos.200 to 212.

3. In view of the statement made by the learned counsel for the State Election Commission, on instructions, counsel for the petitioner states that the first objection/ground does not survive.

4. Regarding the second objection/ground, counsel for the State Election Commission states that the Ward numbering has been done in a clockwise manner within the Assembly Constituency. In view of the above, Ranhola has been given Ward No.19-S, Vikas Puri has been given Ward No. 20-S, Hastal has been given Ward No.21-S, Sainik Enclave has been given Ward No.22-S, Vikas Nagar has been given Ward No.23-S and Bapraula has been given Ward No.24-S.

5. In view of the aforesaid explanation given by the counsel for

the State Election Commission, we do not find any reason to adjourn the matter for further consideration on the second aspect.

6. There is one more aspect, which we must also note. The State Election Commission had published a note on delimitation process to examine, study, analyse, and determine the boundaries of Wards within the Constituent Assembly and finalize the Wards' boundaries. Meetings and consultations were held with officers, elected representatives, public, and the Resident Welfare Association. Thereafter, the first draft of delimitation was prepared with details relating to wards, population data, newly delimited Wards with population etc. and displayed on the website of the Commission on 9th September, 2016. In addition, public advertisements were made in 9 newspapers in four languages, i.e. English, Hindi, Punjabi and Urdu. Objections/suggestions were invited and 700 suggestions/recommendations were received. The objective was to have wider consultations with various stakeholders before finalising the recommendations and sending it to the government.

7. Thereafter, a meeting was held on 24th October, 2016, in which the Commissioners and Town Planners of the three Municipal

Corporations had discussed various issues including demarcation of boundaries, how municipal services would be provided as per delimitation of Wards, how to treat the undemarcated areas, etc. Thus, it was after the detailed discussions and extensive deliberations, which are interactive and totally transparent, that the final ward list with boundaries was re-drafted and published.

8. It is an accepted and admitted case that the petitioner in the present case had at no stage raised objection or give any suggestion. It would have been appropriate and proper for the petitioner to have raised objection or make suggestions when draft delimitations were published and notified for response/suggestions from the public.

9. The petitioners have raised objections and have moved to the Court after the publication of the final demarcation notification on 13th January, 2017. It appears that the attempt is to stall and delay the municipal elections. For this reason, we have hesitation and reservations in entertaining the present writ petition.

10. Counsel for the respondent has produced before us, note on delimitation process from which we have taken the details and information recorded above. With regard to the question of Ward

numbering, we have taken on record the statement made by the counsel for the State Election Commission at the Bar, on instructions from Mr. Girish Pandey, Deputy Secretary, who is present in the Court. The satellite map of the wards in the assembly constituency with the numbering is on record. We have not asked the respondents to file counter affidavit in view of the paucity of time and as the counsel for the petitioner also wants early and quick disposal of the writ petition.

11. With the aforesaid observations, we dispose of the present writ petition.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 16, 2017
NA