

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4343 of 2019**

Hesiyaram Nagwanshi S/o Late Shri Maniram Nagwanshi Aged
About 64 Years R/o Subhash Ward Kanker, District North Bastar
Kanker Chhattisgarh

---- Petitioner**Versus**

1. Chief Electoral Officer General Election, D. K. S. Bhawan, Old Mantralay District Raipur Chhattisgarh
2. The State Of Chhattisgarh Through The Collector / District Election Officer, (General Election) North Bastar Kanker, District North Bastar Kanker Chhattisgarh
3. The Chief Municipal Officer Municipalities North Bastar Kanker District North Bastar Kanker Chhattisgarh
4. The Sub Divisional Officer (R) And Registration Officer (Municipalities) North Bastar Kanker District North Bastar Kanker Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Prakash Tiwari, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****29/11/2019**

1. The grievance of the petitioner in the present writ petition is to the rejection of the application of the petitioner for adding his name in the voter list at Subhash Ward, Kanker, District North Bastar, Kanker, Chhattisgarh.
2. The relevant facts of the case is that the petitioner on an earlier occasion had moved an application for adding his name in the voter list on 20.09.2019, which stood rejected on 24.10.2019. The petitioner thereafter had approached this Court vide WPC No. 4069/2019 and this Court vide its order dated 15.11.2019 had directed the petitioner to approach the respondent No.4 in the present writ petition on 19.11.2019 and the respondent No.4 was

directed to complete the formalities and process the same and pass an order within a period of 4 days starting from 19.11.2019. The impugned order dated 21.11.2019 is a consequence of the directives given by this Court.

3. The contention of the petitioner is that the respondent No.4 has acted in a mechanical manner without taking into consideration the object and intention of this Court while disposing of the writ petition on 15.11.2019. The respondent No.4 has vide the impugned order rejected the claim of the petitioner only for the reason that the last date fixed for correction of the voter list stood expired on 14.10.2019 and therefore it was not possible for considering the application of the petitioner.
4. This Court prima facie of the opinion is that the order passed by the respondent No.4 is not sustainable for the reason that the petitioner had at the first instance timely approached the authorities and his application was rejected only on the technicality of the application not being in proper format, the same could have been easily cured by the authorities concerned instantly without rejecting the application itself. Moreover the authorities had already conducted a verification on the application.
5. The authorities should have kept in mind the fact that it is the right of franchise that the petitioner could be deprived of by the rejection of his application. Secondly, what has to be born in mind is that this Court taking into consideration the entire facts and circumstances of and with an intention of permitting the petitioner to cure the curable defects had directed him to approach before the respondent No.4.

The respondent No.4 should have considered the intention and object behind the passing of the said order by this Court and should have taken a more pragmatic view and also taken a more liberal approach while considering and deciding the petitioner's application.

6. In view of the same, this Court is of the opinion that the order dated 21.11.2019 is not acceptable and the same deserves to be and is accordingly set-aside. The respondent No.4 is hereby directed to consider the application of the petitioner afresh and pass an appropriate order either tomorrow i.e. on 30.11.2019 or latest by the 2nd of December, 2019 by passing the appropriate order permitting the name of the petitioner to be added in the voter list subject to the petitioner's fulfilling all other eligibility criteria.
7. The learned Deputy A.G. is directed to communicate the order to the respondent No.4 during the course of the day itself for taking appropriate steps on the application of the petitioner as far as possible tomorrow itself.
8. The counsel for the petitioner also in turn is directed to intimate the petitioner as well as the respondent No.4, so far as the order passed by this Court is concerned.
9. Certified copy today.

Sd/-
(P. Sam Koshy)
Judge

Ved