

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITIOIN No.16163 of 2019

ORDER:

Heard the learned counsel for the petitioner, learned Standing Counsel for the 3rd respondent - Municipality and the learned counsel representing the State Election Commission.

2. The State Election Commission is not made as a party to writ petition. Hence, the State Election Commission, represented by its Secretary, is impleaded as 4th respondent.

3. Learned counsel for the petitioner contends that the Wards in the 3rd respondent Municipality are not evenly arranged and the names of some people living in certain portions of Kranthinagar colony are also reflected in Ward Nos.6 and 5. He further contended that there is interpolation of voters' names in the voters' list and a dead person's name also incorporated in the list.

4. Learned Standing Counsel for the 3rd respondent Municipality, on instructions, submits that in order to balance the distribution of voters, some of the voters from Kranthinagar colony are included in the adjacent Ward No.6 in addition to inclusion of some persons' names in Ward No.5 and that there is no violation of Rule - 4 notified vide G.O.Ms.No.78, dated 29.06.2019 and to a great extent the wards are arranged in clockwise as required by Rule - 4.

5. Learned Standing Counsel for the State Election Commission submits that with reference to the voters' list, the voters' list prepared and published by the Election Commission of India alone

is adopted. The State Election Commission and that the Municipality do not undertake any exercise to alter the said voters' list. She drew attention to Section 11 of the Municipalities Act in support of her contention. She would further submit that only the Election Commission of India can undertake revision of voters' list and carry out the corrections, if any in the list, and after furnishing the revised voters' list to the State Election Commission and the concerned Municipality, the same shall be adopted for completing the election process and therefore, the petitioner has to approach the Electoral Registration Officer, who is an officer of the rank of Revenue Divisional Officer of the concerned revenue division for revision of the voters' list.

6. In view of the same, the writ petition is disposed of granting liberty to the petitioner to make an application to the Electoral Registration Officer of the concerned division, pointing out the illegalities in the voters' list and if the Electoral Registering Officer accepts the request and revises the list, the same shall be the basis for the State Election Commission and the concerned Municipality to conduct the election. No order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

P. NAVEEN RAO, J

August 01, 2019

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