

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 19 of 2020**

Prachi Bhagat W/o Shri Vishwanath Ram Bhagat Aged About 42 Years
Caste Oraon, R/o Village Dokda, Tahsil Kansabel, District Jashpur
Chhattisgarh.,

---- Petitioner**Versus**

1. Election Commission Of India Through Chief Election Commissioner , New Delhi., District : New Delhi, Delhi
2. Chhattisgarh State Election Commission Through Chief Electoral Officer, Near D.K.S. Bhawan (Old Secretariat) , Raipur District Raipur Chhattisgarh
3. District Election Officer (Panchayat) Collectorate Jashpur , District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
4. Appellate Authority (Panchayat) And Additional Collector Jashpur, Collectorate Jashpur , District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
5. Assistant Registraion Officer And Tahsildar Kansabel , Tahsil Kansabel , District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
6. Booth Level Officer Booth No. 74, Village Gariyadohar, Dokda, Tahsil Kansabel, District Jahspur Chhattisgarh., District : Jashpur, Chhattisgarh
7. Vishwanath Ram Bhagat S/o Late Ramdhani Ram Aged About 42 Years
Caste Oraon, R/o Village Dokda , Tahsil Kansabel, District Jashpur
Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr Dilman Rati Minj. , Advocate
For State	:	Mr. Jitendra Pali, Dy. AG
For respondent No.2	:	Mr. R. S. Marhas, Advocate
For respondent No.1	:	Mr. Rajeev Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/01/2020**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 28.12.2019 passed by the Assistant Registration Officer i.e. the Additional Collector, Jashpur. The grievance of the petitioner seems

to be non inclusion of the name of the petitioner in the voter list. The petitioner claims herself to be the resident of Village Dokda under Tahsil Kansabel, District Jashpur. The petitioner's name was not therein in the voter list at a place where she resides. It is said that the petitioner has moved her application for inclusion in the voter list much before the election programme was published. However, when the voter list was published on 23.11.2019 her name was not reflected in the said voter list.

2. Plain perusal of the records and from the information that has been submitted by the counsel for the petitioner it reveals that application that petitioner had submitted for inclusion of her name in the voter list was made to the BLO which till date has not been decided. The fact which cannot be lost sight of is that the State Election Commission had vide their notification dated 05.10.2019 issued a schedule in respect of Election Programmes for the forth coming Panchayat Elections. As per the said notification the voters list were to be published by the 23.11.2019 and any person aggrieved of the his/her name being included or excluded in the voter list should file an objection on or before 30.11.2019.
3. There is no dispute to the fact that the name of the petitioner was not reflected in the voter list published on 23.11.2019. There is also no dispute that petitioner had not raised any objection before concerned authorities by 30.11.2019. However, the petitioner on the contrary filed an appeal before the Additional Collector on 27.12.2019. The appellate authority now has vide the impugned order decided the appeal and has rejected the same. While rejecting the same, the appellate authority has specifically given a finding that petitioner never moved his/her application for inclusion of name in the voter list

to the competent authority prescribed for the same. It was also evidently clear that petitioner also did not raise any objection within the specified period within which he had to file an objection after publication of the voter list on 23.11.2019.

4. Given the said facts and circumstances of the case, this Court is of the view that petitioner has not made out a strong case for issuance of a writ of any nature to the respondents.
5. Another reason for not entertaining the writ petition by this Court is the fact that Election notice has already been notified by the State Election Commission on 23.12.2019 and thereafter the Courts would be precluded from entertaining the writ petitions requesting for inclusion of their names in the voter list as has been decided by the judgment rendered by the Madhya Pradesh High Court in the case of Madhya Pradesh High Court in the cases of **Khumano Bai Vs. State of Madhya Pradesh and Ors. (1995 MPLJ 67)** which has been further reiterated in the case of **Anjana Mulkalwar Vs. State of MP & Others (1998) 2 JLJ 328**.
6. Recently, in the case of **Manoj Kansari Vs. State of Chhattisgarh in WPC No. 3540/2019** and other analogous writ petitions decided on **02.12.2019** Division Bench of this High Court has in an election matter held that once when the election programmes are notified there is a specific bar for the High Court to entertain writ petitions on the said subject matter.
7. For the aforesaid reasons, the writ petition fails and accordingly stands rejected.

Sd/-
(P. Sam Koshy)
Judge