

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 302 of 2020**

1. Shailendra Singh S/o Shri Chhatrapal Singh Aged About 32 Years R/o Ward No.7, Gram- Jagmahant, Tahsil- Navagarh, District Janjgir-Champa, Chhattisgarh
2. Deepak Das S/o Shri Bodar Das Aged About 26 Years R/o Ward No. 7, Gram-Jagmahant, Tahsil Navagarh, District Janjgir-Champa, Chhattisgarh
3. Vinod Chhatri S/o Shri Chhatrapal Singh Aged About 28 Years R/o Ward No. 7, Gram-Jagmahant, Tahsil Navagarh, District Janjgir-Champa, Chhattisgarh
4. Smt. Manjula Chhatri W/o Shri Shailendra Singh Aged About 33 Years R/o Ward No. 7, Gram-Jagmahant, Tahsil Navagarh, District Janjgir-Champa, Chhattisgarh
5. Kashmira Singh Rana W/o Shri Ram Kumar Rana Aged About 50 Years R/o Ward No. 7, Gram-Jagmahant, Tahsil Navagarh, District Janjgir-Champa, Chhattisgarh
6. Ramkumar Singh Rana S/o Shri Dileshwar Singh Rana Aged About 58 Years R/o Ward No. 7, Gram-Jagmahant, Tahsil Navagarh, District Janjgir-Champa, Chhattisgarh
7. Sushila Bai Panika W/o Shri Bodar Das Aged About 42 Years R/o Ward No. 7, Gram-Jagmahant, Tahsil Navagarh, District Janjgir-Champa, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary To The Government Of Chhattisgarh Department Of Panchayat And Rural Development, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. District Returning Officer District Janjgir-Champa, Chhattisgarh
3. Assistant Returning Officer Tahsil Navagarh, District Janjgir-Champa, Chhattisgarh
4. Registration Officer District Janjgir-Champa, Chhattisgarh
5. State Election Commission Through The Chief Election Officer Near D.K.S. Bhavan, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Anurag Dayal Shrivastava, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG
For Res. No.5	:	Mr. R. S. Marhas, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

23/01/2020

1. The challenge in the present writ petition is to the alleged arbitrary action on the part of the respondent No.2 to 4 by which the name of the petitioners have been deleted from the final voter list of Ward No.7 of the Jagmahant, Tahsil Navagarh, District Janjgir-Champa.
2. Contention of the petitioner is that the name of the petitioner stood reflected in the provisional list as well as in the final voter list published and notified by the respondents. However, subsequently respondents have published the amended voter list wherein the name of the petitioners stand deleted. Further grievance of the petitioners is that no such order as such has been issued deleting the name of the petitioner nor has the authorities complied with mandatory provisions as is required under Section 15 A of the Chhattisgarh Panchayat Nirvachan Niyam, 1995.
3. Perusal of the aforementioned Rules of 1995 clearly reflects that Section 15 A deals with the issue of deletion of entries in the voter list in certain cases. There are certain conditions prescribed to be followed before the action is taken as is reflected from the proviso of the said Section. However, any person aggrieved has got the right to prefer an appeal to the District Election officer within a period of 15 days which again stands envisaged under Sub Section 4 of Section 15 A. In the instant case petitioners have not availed the said right and have straightway filed the present writ petition. This Court at this juncture finds it difficult to entertain the writ petition for the reason that

election process has already commenced and it is only a few days left for the voting to be held.

4. In view of the fact that there was an alternative remedy available to the petitioner which they have not availed and also taking note of the fact that election process have already commenced, this Court does not intend to entertain the writ petition, the same accordingly stands rejected.
5. Our reluctance in entertaining the writ petition would not preclude the petitioners in approaching the appellate authority in accordance with law and if such appeal is preferred, it is expected that appellate authority would take a decision at the earliest.
6. Reserving the right of the petitioners to avail the remedies open to them, the present writ petition stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit