

**116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-2728-2021

Date of decision: 08.02.2021

Rani Kaur and others

.....Petitioners.

vs.

State of Punjab and others

.....Respondents.

**CORAM: - HON'BLE MR JUSTICE SANJAY KUMAR
HON'BLE MRS JUSTICE ARCHANA PURI**

Present: - Mr. Rajbir Singh, Advocate, for the petitioners.

.....

Sanjay Kumar, J.

The petitioners assail the amended voters list of Ward Numbers 5, 11 and 13 of Municipal Council, Nagar Panchayat, Kot Shamir. According to them, certain votes have been shifted/transferred from these wards to other wards and votes of other wards have been included in these wards without following the due procedure. This is not stated to be a delimitation exercise.

Mr. Rajbir Singh, learned counsel for the petitioners, would state that all the three petitioners are contesting the subject elections from different wards and assert that the election authorities have illegally amended the voters list. Be it noted that preparation and revision of the electoral rolls is undertaken by the election authorities under Section 30 of the Punjab State Election Commission Act, 1994 (for short, 'the Act of 1994'). Thereafter, correction of the entries in the electoral rolls can be

effected in exercise of power under Section 31 of the Act of 1994. Further, inclusion of names in the electoral rolls at the behest of any person whose name is not included can be made under Section 32 thereof. Significantly, the order passed by the Electoral Registration Officer, be it under Section 31 or under Section 32 of the Act of 1994 is appealable before the Election Commission under Section 33 thereof. Section 33 of the Act of 1994 does not limit such an appellate remedy only to a voter, who may have a personal grievance with regard to his vote either being deleted or not being included. Therefore, the petitioners would have been well within their rights in invoking the appellate remedy. But they obviously failed to do so within the time prescribed.

That being so and as this Court is informed that the last date for filing of nominations is already over for the subject election, no cause is made out to entertain this writ petition.

The writ petition is accordingly dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

(ARCHANA PURI)
JUDGE

08.02.2021

preeti	
whether speaking/non speaking	yes/no
whether reportable/non reportable	yes/no