

November 21, 2022
Sl. No. 36
Court No.1
s.biswas

WPA (P) 430 of 2022

Bharatiya Shanti Dal and another
vs.
The Election Commission of India and others

Mr. Shanti Ranjan Das ... the petitioner in-person
Mr. Anuran Samanta, Advocate ... for the ECI

In this public interest petition the petitioner has prayed for a direction to the respondents (Election Commission of India) to register the petitioner's body of association namely "Bharatiya Shanti Dal" as the political party with the Election Commission of India and also to issue a registration number as well as symbol and flag.

The plea of the petitioner is that though the petitioner had applied for registration of the association as a political party with the respondents (Election Commission of India), but no decision has yet been taken and the petitioner has not been registered as the political party.

A perusal of the petition reveals that the petitioner has come to this Court on the basis of the cause of action solely relating to the petitioner for which the PIL cannot be entertained.

The submission of the petitioner present in-person is that since it is a petition relating to registration of a political party, therefore the public

interest is involved and it should be treated as public interest petition.

We find no substance in such a submission.

That apart learned counsel for the respondents (Election Commission of India) has submitted that the communication dated 16th September, 2022 was sent by the Election Commission of India to the petitioner informing that the application submitted by the petitioner is grossly incomplete and the petitioner had not submitted the requisite processing fees for registration, along with said letter the guidelines of registration have also been forwarded to the petitioner, but thereafter nothing has been done by the petitioner.

Under Section 29A of the Representation of Peoples Act, 1951, complete procedure of making the application and its decision by the Commission to register any association or body as political party has been provided. No violation of that procedure has been pointed out.

In the aforesaid circumstances of the case, we find no ground to issue any direction to the respondents (Election Commission of India) in the present public interest petition to register the petitioner's association as a political party.

The present petition is dismissed with liberty to the petitioner to avail such other remedies available in law.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)