

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C).No.1306 of 2022

Damayanti Upadhyay & Ors.

Petitioner

Dr.J.K.Lenka, Advocate

-versus-

*State Election Commissioner,
BBSR & Ors.*

Opposite Party(s)

Mr.B.Routray, Sr.Advocate.

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
20.01.2022**

Order No.

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1. This matter is taken up through Video Conferencing Mode.
2. Heard learned counsel appearing for the parties.
3. This writ petition has been filed making an allegation of non-inclusion of the petitioners name in the required final voter list. Writ petition did not involve the draft voter list for the particular election. It appears for the ensuing election, there is not only publication of a draft voter list constituency wise and position wise involving the three Tire Election but there is also calling for objection and or claim from parties interested within appropriate time.
4. Dr.Lenka, learned counsel unable to produce the draft publication made for the purpose and on the other hand he is producing a voter list involving Assembly Constituency. Making his claim clear, Mr.S.P.Panda, learned Additional Government Advocate going through draft voter list makes a statement that the petitioners name even did not include in the draft voter list. Mr.Panda, learned Additional Government Advocate thus objects the claim of the petitioner on the premises that once draft list is published and petitioners fail to raise their claim and or objection, the

petitioners have no right to challenge the final voter list involving the present election.

5. Considering the rival contentions of the parties and taking into account the submission of Mr.Panda, learned Additional Government Advocate that even the drat voter list did not involve the petitioners name in the present election and petitioners undisputedly have no objection and or claim further for the petitioners resting their claim on the basis of Assembly Election voter list, this Court finds there is no prima facie satisfaction to the claim involved herein. In the circumstances, this Court is not inclined to entertain such writ petition, which is dismissed at admission stage only.

6. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge