

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4813 of 2022

Satya Ranjan Barik & Ors.

....

Petitioner(s)

Mr. A.K. Patra,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S. Ghose,
ASC

Mr. B. Routray,
Sr. Adv. being assisted
by Ms. M. Panda,
Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
21.02.2022**

Order No.

02.

1. This writ petition involves an allegation of non-inclusion of the name of the Petitioners in the electoral roll involving the Election of the Kismat-Krushnapur Gram Panchayat. This matter remained part heard on 18.02.2022 and posted to today thereby directing the learned State Counsel to obtain instruction.

2. By producing relevant records in Court today Mr. Ghose, learned State Counsel submitted that there has been consideration of the claim of the Petitioners and the claim of the Petitioners involved herein have been rejected on ground of non-production of the documents to establish such claim. It is, at this stage of the matter,

bringing to the notice of this Court a notified schedule of progress and facilities through the communication dated 8.11.2021, Mr. Ghose, learned State Counsel submitted that in Sl.No.1 there is mentioning of splitting of electoral roll of Assembly Constituency relatable to the Ward under section 9(2) and Rule 5(1). In Sl. No.2 there is mentioning of publication of preliminary Ward-wise electoral roll at Grama Panchayat headquarters U/r.5(3). Sl. No.3 provides filing of claims and objections U/r.5(5) and the time period was up to 23.11.2021 for filing of claim and or objection. Based on claim and objection the schedule in Sl.No.4 provides scope for enquiry & disposal by electoral Registration Officer U/r.7(1) within 24.11.2021 to 26.11.2021. There is also provision at Sl.No.5 for inspection of the draft electoral roll and filing of application, if any, to the B.D.O against the decision of the Electoral Registration Officer and in the event any dispute emerges, applications could also be filed within the said period by way of objection. Sl.No.6 prescribes disposal of such applications by the BDO-cum-ERO u/r.7(2), which is a consideration aspect after the draft electoral roll is inspected and upon receipt of objection and claim, if any.

It is, at this stage, this Court records the statement of the learned counsel for Petitioners that undisputedly the Petitioners have not verified the draft electoral roll and further for their own lapses the Petitioners could not get the scope of application/objection involving such inspection. For the opinion of this Court since the claim of the Petitioners for inclusion of their name was rejected, it becomes the duty of each of the Petitioners to have inspection of the draft and for filing application to the B.D.O. for its consideration. Neither any submission nor any pleadings relating to that issue is

coming to establish, if the Petitioners have availed the scope of application at Sl.No.5 of the scheduled in notification dated 8.11.2021.

3. In the circumstance, this Court finds, the Petitioners did not avail the remedies available to avail the scope of casting vote in the Election slated to be held tomorrow (22.02.2022). For the programming in the scheduled, there is no scope for even filing application at this stage. It is, in this view of the matter, this Court finds, there is no scope for entertaining the writ petition, which is, hereby, dismissed.



Ayaskanta Jena