

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.39922 of 2021

Gaurahari Das

....

Petitioner(s)

Mr. S.K. Nath,
Advocate

-versus-

**The Commissioner, State Election
Commission, Odisha & Ors.**

....

Opposite Party(s)

Mr. B. Routray,
Sr. Advocate for the O.P.1
Mr. S. Ghose,
Additional Standing Counsel for the O.Ps. 2 to 6

CORAM:
JUSTICE BISWANATH RATH

ORDER
03.01.2022

Order No.

1. 1. The Petitioner has sought for the following relief by way of this writ petition :

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PRAYER

It is therefore prayed that in the facts and circumstances stated above and in the interest of justice, this Hon'ble Court may be pleased to admit this petition and after hearing the parties may be pleased to pass appropriate writ / directions/ declarations;

- A. A writ of / and/ or in the nature of mandamus to issue commanding the Opposite Parties to forthwith revised the copy of the Voter List in Ward No – 4 and 5 under Khadal Pokhari GP in the ensuing Panchayat election – 2022 and to prepare a fresh Voter list in consonance with Form No – 13 and the provision of Section 8 of the Odisha Gram Panchayat Act, 1964.

- B. Declaring that the voter list – 2022 prepared for Ward No – 4 and 5 under Khadal Pokhari GP for the ensuing Panchayat election 2022 is null and void.
- C. Quashing of voter list prepared for ensuing Panchayat election 2022 for ward No – 4 & 5 under Khadal Pokhari GP.

Issue such other direction as this Hon'ble Court may deem fit and proper.”

2. Taking this Court to the series of documents particularly the notification regarding preparation of final voter list, form-13 Mr. Nath, learned counsel for the Petitioner attempted to point-out certain discrepancies made during inclusion of voters from outside areas. Mr. Nath, learned counsel for the Petitioner thus alleged that the houses in the particular locality have not been included and inclusions as alleged are made keeping something else in mind. Further, taking this Court to the documents at Annexure-5 (series), Mr. Nath, learned counsel for the Petitioner urged that finding defect in the preparation of preliminary voter list, objection was filed before the B.D.O, Chandabali, Bhadrak with copy to the C.E.O, Bhubaneswar and E.R.O, Khadalpokhari. Mr. Nath, learned counsel for the Petitioner also placed reliance on the programme of special summary revision of photo electoral roll 2022, claimed to be downloaded from the website of C.E.O, Orissa even available today. Mr. Nath, learned counsel for the Petitioner claimed that since the final publication of the Electoral Roll is to be made on 05.01.2022, there is still time to consider the objection of the Petitioner.

3. Mr. Ghose, learned State Counsel, however, on instruction submitted that there is already submission of electoral roll on 14.12.2021, so far as Bhadrak district is concerned. Mr. Routray, learned Senior Advocate being assisted by Ms. Panda, however, taking this Court to the provision at Rules 5, 7 & 8 of the Odisha Gram Panchayat Election Rules contended that there has been a lot of exercise in terms of the Rules 5, 7 & 8 of the Odisha Gram Panchayat Election Rules and ultimately final publication has been made in terms of the provision at Rule 8(1). The final electoral roll as published by the Electoral Registration Officer is already prepared since 4.12.2021. As a consequence of provision at Rule 8 (2), two copies of such final electoral role for each ward in the Bhadrak District after being duly authenticated by the Electoral Registration officer is already placed since 6.12.2021 and there is already printing of final voter list since 14.12.2021.

4. Considering the submissions made by the parties and looking to the stage of voter list, this Court finds, there is no scope for correction of the voter list except leaving it open to a party to raise such dispute in election dispute. This Court, however, at this stage takes into account the statement made by Mr. Nath, learned counsel for the Petitioner and on going through the document claimed to be downloaded through the C.E.O. Odisha website, this Court finds, possibly final publication of the voter list is likely to be made on 5th January, 2022. This Court, therefore, observes, in the event there is no legal impediment and final publication of the voter list has not been made by the time of submission of this order and objection of the Petitioner has not been attained to as yet, the objection of the Petitioner may be taken into consideration and if requires, necessary correction may be made in the final voter list

before it's final publication on 05th January, 2022. It is also made clear that the above direction is given only keeping in view the statement made by Mr. Nath, learned counsel for the Petitioner.

5. The writ petition is disposed of with the above direction.

6. Free copy of this order be handed over to both Mr. Ghose, learned State Counsel and Ms. Panda, associate of Mr. B. Routray, learned Sr. Advocate.

(Biswanath Rath)
Judge

Ayaskanta Jena

