



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5675 OF 2024

(Vijay son of Pandurang Ghodmare vs. The Election Commission of India and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. P.S.Wathore, Advocate for the petitioner.

Mr. D.V.Chavan, Government Pleader with Mr.N.S.Rao, Assistant
Government Pleader for the respondent Nos.

CORAM : BHARATI DANGRE AND ABHAY J. MANTRI, JJ.

DATE : OCTOBER 09, 2024

1) In continuation of order dated 27/09/2024, the Returning Officer/Electoral Registration Officer, 50-Hingna Legislative Assembly, Nagpur, respondent No.6 has placed an affidavit before us.

It is taken on record.

After referring to the role to be played by him in the election process as the Returning Officer/Electoral Registration Officer the deponent of the affidavit has made reference to the programme published by the Election Commission of India as regards the 2nd Special Summary Revision and Photo Electoral Roll by specifying the qualifying date.

It is stated that the revised schedule was published on 01/08/2024 and subsequent thereto, a draft electoral was to be published on 06/08/2024.

The period of filing claims and objections was slated between 06/08/2024 to 20/08/2024 and the disposal of claims and objections, checking of health parameter and obtaining

important permission for final publication and updating database and preparing supplement was fixed as 29/08/2024. The final publication of electoral was fixed on 30/08/2024 and upon deciding the claims and objections, the final electoral roll was expected to be published.

2) The copy of the programme for publication of electoral rolls dated 11/08/2023 and 01/08/2024 are placed on record.

As far as the present petition is concerned, since we have already recorded a statement made by the learned Government Pleader/Senior Advocate Mr.Chavan, in our order dated 27/09/2024 to the effect that the Officers are in the process on consideration of the objection and they have already issued notices to persons whose addresses were furnished and have received response from some of them, we expected a follow up action.

Accordingly, the respondent No.6 has made a specific statement in paragraph 10 of the affidavit, which reads as under :-

10. The claims and objections raised by the petitioner is already forwarded to the respective Booth Level Officer and as of now verification is completed. The respondent no.7 & 8 issued notices to the persons named in Form-7 through Booth Level Officer and received response from some of them.

In order to place on record the progress to decide the claims and objections raised by the petitioner, same is produced in the tabular form as under :-

	<i>Respondent No.7 Assistant Returning Officer / Tahsildar Nagpur (Rural)</i>	<i>Respondent No.8 Assistant Returning Officer / Tahsildar Hingna</i>
<i>Total objection / Forms Recd.</i>	5038	3832
<i>Notices issue</i>	5038	3832
<i>Persons Appeared</i>	<i>Hearing date Schedule from 03/10/2024 to 12/11/2024</i>	<i>Hearing Date Schedule from 05/09/2024 to 21/10/2024</i>

The answering respondent submits that after hearing the objection decision will be taken as per Act, Rules and guidelines contemplated under the Manual issued by the Election Commission of India.”

3) The difficulty expressed by the Officer is also highlighted in the affidavit as a communication dated 04/10/2024 was received by the Office of the Tahsildar, which raised an objection and warranted an action for submission of incorrect application by the petitioner for deletion of their names, by stating that they are residents of the constituency and they had been voting since several years and the objections raised in respect of deletion of their names was frivolous.

4) The respondent No.6 has therefore, made a categorical statement that it is only upon hearing claims and objections submitted by the petitioner, final decision can be taken and for that purpose, the Schedule is already given in para 10 of the affidavit.

5) Our attention is invited to the Manual on Electoral Rolls published on March 2023 by Election Commission of India

and particularly clause 11.3.2, which pertain to the manner of lodging claims and objections in terms of Rule 14 of the Registration of Electors Rules, 1960.

A specific embargo is imposed upon the receipt of bulk applications and the relevant clause provide that the Authorized Officers should only accept individual applications and claims and objections presented, in bulk by any individual/organisation should not be entertained.

It is the stand of the respondent that despite this restrain imposed upon entertaining bulk objections and in this case the petitioner has raised objection in respect of 8870 names, we do not find fault with the respondent in taking time to decide the said objections, as the persons whose names are sought to be removed are also required to be noticed and this exercise is under way.

In any case, as per the Manual on Electoral Rolls, an electoral roll continuously remains in a state of updating and preparation throughout the year, except for the period between the last date for making nominations in an election in a constituency and the date of declaration of result of the said election. The Manual itself contemplate that even during that period claims and objections can be received, though its disposal shall be postponed, after the conclusion of the elections, but claims and objections for inclusion/deletion of names or modification of entries in the electoral roll can be lodged at any time after the final publication of the rolls until the draft publication.

6) In the wake of the aforesaid clear direction, we find that the respondent No.6 is on the right path and we expect him to conclude the exercise, which is already under way and take necessary steps, which include publication of a fresh electoral roll.

With these directions, the writ petition is disposed off.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)

KOLHE