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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5037/2024**

MEHMOOD PRACHA

..... Petitioner

Through: Ms. Jasneem Ahmadi, Ms. Mahima
Rathi, Mr. Jatin Bhat and Mr.
Shamim Choudhury, Advs.

versus

ELECTION COMMISSION OF INDIA

..... Respondent

Through: Mr. Sidhant Kumar, Mr. Om Batra
and Mr. Sarthak Sareen, Advs. for R-
1/ECI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

08.04.2024

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1. The present petition has been filed by the petitioner seeking *inter-alia* the following prayer:

“a) Issue a writ in the nature of a writ of Mandamus or any other appropriate writ order or direction, directing the Respondent No.1 Election Commission of India to decide the representations dated 28th of March, 2024, and 2nd of April, 2024, made by the Petitioner.”

2. The representation dated 28.03.2024, addressed by the petitioner to Election Commission seeks that the elections to the 7-Rampur Lok Sabha Constituency, Uttar Pradesh, in which the petitioner has filed his nomination as an independent candidate, be held through ballot papers, or in the alternative to give to the petitioner a hearing before decision is taken to conduct the elections through electronic voting machines.

3. A communication dated 02.04.2024 was also sent by the petitioner to



the respondent, pursuant to the aforesaid representation dated 28.03.2024.

4. Learned counsel for the respondent, who appears on advance notice submits that the representation of the petitioner is thoroughly misconceived; the request made therein is not only untenable, the same also stands foreclosed on account of several orders passed by the Supreme Court, including order dated 30.09.2022 passed in SLP No.16870/2022 in ***Madhya Pradesh Jan Vikash Party vs. Election Commission of India*** which reads as under:

“The election process under the representation of the People Act, 1951 is monitored by a Constitutional Authority like Election Commission. Electronic Voting Machines (EVM) process has been utilized in our Country for decades now but periodically issues are sought to be raised. This is one such endeavour in the abstract. It appears that party may not have got much recognition from the electorate now seeks recognition by filing petitions.

We are of the view that such petitions must be deterred and thus dismiss this petition with costs of Rs.50,000/- to be deposited with Supreme Court Group-C (Non-Clerical) Employees Welfare Association within a period of four weeks from today.

Pending applications stand disposed of.”

5. He further submits that the petitioner has also filed an Application in W.P.(C) 184/2024 pending before the Supreme Court, raising identical averments which are made in the present petition and in the aforesaid representation. He submits that the present petition ought to be dismissed on this ground itself.

6. After some hearing, learned counsel for the petitioner submits that since the respondent/Election Commission of India has responded to the representation of the petitioner dated 28.03.2024 *vide* communication dated 06.04.2024, the petitioner does not wish to press the present petition. The petitioner seeks to reserve liberty to take recourse to appropriate legal



remedies, if available to him under law.

7. The present petition is accordingly dismissed as withdrawn. If the petitioner seeks to pursue other legal remedies, the same must be in conformance with, and to the extent permitted under law.

SACHIN DATTA, J

APRIL 8, 2024/cl