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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 435/2025 & CM APPL. 2116-17/2025**
RASHTRAVADI AADARSH MAHASANGH(REGD)

.....Petitioner

Through: Mr Umesh Sharma and Mr Ritesh
Kumar Kaushik, Advocates.

versus

ELECTION COMMISSION OF INDIA & ANR.

.....Respondents

Through: Mr Sidhant Kumar, Advocate for
R1/ECI.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

15.01.2025

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1. The petitioner has filed the present petition as a public interest litigation, *inter alia*, praying as under:-

“a) Issue Writ, order or direction in the nature of MANDAMUS directing the Respondent No.1, Election Commission of Delhi to consider and decide the representation dated 27/12/2024 by the Petitioner seeking the compliance of the mandate of RPI Act.

b) Issue Writ, order or direction in the nature of MANDAMUS directing the Respondent No.1, Election Commission of Delhi to ensure the compliance of its letter dated 14/12/2024 issued under the signatures of Dy Chief Electoral Officer, Delhi.

c) Issue Writ, order or direction in the nature of MANDAMUS directing Election Commission of India, to comply with the provisions of Section 22 of the Representation of Peoples Act, 1950 and carry out correction of the voters list of all the states and seek compliance from all the states on its letter dated 11/8/2023 through the Photo Similar Entries (PSE) and Demographic Similar Entries (DSE) method and other Artificial Intelligence tools.



d) Issue Writ, order or direction in the nature of MANDAMUS directing the Election Commission of Delhi, the respondent No.2 herein. to comply with the provisions of Section 22 of the Representation of Peoples Act, 1950 and carry out correction of the voters list of all the states and seek compliance from all the states in terms of the letter dated 11/8/2023, issued by the Election Commission of India.

e) Writ, order or direction in the nature of MANDAMUS or any other appropriate, writ, order or direction thereby directing legal action against the individual voters who are maintaining multiple entries in the voters list;

f) Cost of the petition be also allowed in favour of the Petitioner.”

2. The learned counsel appearing for the petitioner submits that the electoral roll has several duplicate voters and the necessary steps have not been taken to remove the names of such voters. He submits that there are two tools available – Photo Similar Entries (PSE) and Demographic Similar Entries (DSE) – whereby such duplicate names in the electoral rolls can be ascertained.

3. Essentially, the petitioner submits that directions be issued to respondent no.1 to adopt such means and to eliminate duplicate entries.

4. The learned counsel appearing for the Election Commission of India (ECI) submits that necessary procedure has been followed for the revision of the electoral rolls. He submits that the technological tools were deployed to eliminate duplicate names in the voters lists and, therefore, the petitioner’s grievance does not survive.

5. The learned counsel for the ECI also referred to the judgment dated 12.02.2024 passed by the Supreme Court in ***Samvidhan Bachao Trust v. Election Commission of India & Others : W.P(C) No.1228/2023***, wherein



somewhat similar prayers were made. The Supreme Court had examined the counter-affidavit submitted by the respondents in that case and expressed the satisfaction with the steps taken. We consider it relevant to refer to the following extract from the said judgment:

“1. The jurisdiction of this Court under Article 32 of the Constitution has been invoked in order to seek the following reliefs :

“a) Issue an appropriate writ, order or direction in nature of mandamus commanding the respondents to prepare revised electoral roll in accordance with the provision of Article 324 of the Constitution of India read with instruction No. 23/2023-ERS (Vol.III) dated 29.05.2023 issued by the Election Commission of India;

b) Issue an appropriate writ, order or direction in nature of mandamus commanding the respondents to prepare electoral rolls in accordance with the provision of Section 22 of the Representation of People Act, 1950 read with instruction No.23/INST/2023-ERS dated 11.08.2023 issued by the Election Commission of India with regard to deletion of the names of electors from electoral roll in case of ‘SHIFTING’, ‘DEMOGRAPHIC SIMILAR ENTRIES (DSEs.)’ AND ‘DEATH’;

c) Issue an appropriate writ, order or direction in nature of mandamus commanding the respondents not to delete the names of permanent voters forcefully from a constituency without issuing notice for the same by a registered post and also providing an opportunity for filing an objection and hearing in accordance with the directives dated 13.08.2021 issued by the



Election Commission of India;

d) Issue an appropriate writ, order or direction in nature of certiorari for quashing or setting aside instruction No. 23/BLA/2023-ERS dated 09.08.2023 issued by the Election Commission of India with regard to appointment of Booth Level Agents for the purposes of preparation of electoral roll;

e) Issue an appropriate writ, order or direction to the respondent No.1 and other respondents to prepare accurate electoral roll for the purposes of holding free, fair and transparent ensuing Parliament Election, 2024.'

2. A comprehensive counter affidavit has been filed on behalf of the Election Commission of India explaining the steps which have been taken by the Election Commission specifically in relation to the categories of voters who have "shifted" or, as the case may be, pertaining to "demographically similar entries and deaths". The Election Commission has also clarified the procedure which has been followed in the case of "multiple entries, photo similar entries and demographically similar entries".

3. After perusing the counter affidavit, this Court had, on 5 February 2024, noted two submissions of the petitioner, namely :

"(i) When instructions have been provided by the Chief Electoral Officers to the District Electoral Officers, there is no reference to duplicate entries; and

(ii) The number of persons whose names have been deleted on the ground that they are dead, have shifted or in the case of demographically similar entries is in excess of the actual number of persons who fell within the above categories."

4. A further note has been filed in these proceedings for the purpose of responding to the queries of the Court.

5. Based on the disclosures which have been made in



the counter affidavit and in the subsequent note which deals with the queries which were raised, we are satisfied that no further directions are required to be passed by this Court. We, accordingly, close the proceedings at this stage.

6. The Writ Petition is disposed of.

7. Pending applications, if any, stand disposed of.”

6. In view of the above, we consider it apposite to dispose of the present petition by directing the respondents to consider the averments made in the present petition at an appropriate stage.

7. Needless to state that in case the Commission finds that certain technological tools would assist the Commission in eliminating the duplicate names in the voters list, the same would be adopted, subject to other relevant consideration.

8. The petition is disposed of with the aforesaid observations. Pending applications are also disposed of.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 15, 2025

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Click here to check corrigendum, if any