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

+ W.P.(C) 4458/2025 & CM APPL. 20608/2025

SARVJAN HITAY SARVJAN SUKHAY RASHTRAWADI PARTY
(PROPOSED POLITICAL PARTY) THROUGH ITS NATIONAL
PRESIDENT

.....Petitioner

Through: Mr. Singh Nishant Sanjay Kumar,
Mr. Sanjeev Baghel, Advocate
(M:8668364705)

versus

ELECTION COMMISSION OF INDIA THROUGH ITS
SECRETARY

.....Respondent

Through: Mr. Ankit Agarwal, SC-ECI with Mr.
Ashish Shukla, Mr. Koustubh Desai,
Advocates (M:9811197358)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

07.04.2025

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1. The present writ petition has been filed for issuance of directions to respondent to register the political party in the proposed name of 'Sarvjan Hitay Sarvjan Sukhay Rashtrawadi Party' in the Election Commission of India, New Delhi, under Section 29A of the Representation of People Act, 1951.
2. There is further prayer for quashing the letter dated 03rd July, 2024, whereby, the respondent did not register the petitioner's party, as political party.
3. In response to the present petition, learned counsel for respondent- Election Commission of India, on advance notice, has drawn the attention of this Court to the letter dated 12th December, 2023, issued by the respondent to submit that the petitioner was directed to submit various documents and



comply with other requisites, as detailed in the said letter. The letter dated 12th December, 2023, is reproduced as under:

By Speed Post

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi - 110001.

F. No. 56/037/2023/PPS-I/3027
To
Shri Akhilesh Singh,
C/o "Sarvjan Hitay Sarvjan Sukhay Rashtrawadi Party",
Shop no. 2, Deputyganj, Hariharpur,
M.S. World Vindhyavasini school,
Near Shaheed Path, Dist - Lucknow,
Uttar Pradesh - 226002.

Date: 12th December, 2023.

Subject: - Application for registration of "Sarvjan Hitay Sarvjan Sukhay Rashtrawadi Party" as a political party under Section 29A of the Representation of the People Act, 1951- Regarding.

Sir,

I am directed to refer to your letter dated 21.10.2023 on the subject cited above and to state that you are still required to furnish the following documents:-

1. A clarification on the District Election Officer's negative verification report of Office and Office bearers (copy enclosed).
2. Checklist item no. 13(d) - Party's constitution does not declare that party will hold fixed periodic (period to be specified in constitution but at least once in 5 years) elections to all positions of office bearers and organs of the party.
3. Checklist item no. 19 - Party's constitution does not provide explicit and clear provisions regarding fixed term of office and office bearers.
4. Checklist item no. 27 - There is non-uniformity in the provision for valid meetings of the various Committees, Councils and other representative bodies of the party that the quorum should be minimum of 1/3rd members of the Committee/Councils/Body under the Article 30, 33 and 41 (4).
5. You are also required to remove the unconstitutional provision from the Article 16 (4), 17 (3) and 37.

2. I am also directed to state that a Demand Draft of Rs 10,000/- on account of processing fee bearing number "786045" dated "23.12.2022" of the "Kotak Mahindra Bank" submitted by the applicant has been expired. The DD is returned original herewith to you. You are, therefore, required to get it revalidated and to furnish to the Commission.

3. You are also advised to furnish amended and authenticated party constitution incorporating with the checklist items 13(ii) (d), 19 and 27 along with all other mandatory provisions as per the Commission's guidelines available at its website www.eci.gov.in.



4. It is hereby informed that if all the above-mentioned documents/particulars are not received in the Commission within a period of 45 days from the date of issue of this letter, the case of registration of the party will be closed without any further communication in the matter.
5. The matter of registration of your party will be considered only after the receipt of the above mentioned particulars.

Yours faithfully,

(M. L. MEENA)

UNDER SECRETARY

Copy to: Guard File

O/C

4. Attention of this Court is also drawn to the letter dated 14th March, 2024, wherein, again certain directions were issued to the petitioner herein. The letter dated 14th march, 2024, is reproduced as under:

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110001.

F. No. 56/037/2023/PPS-I | 1605

Date: 14th March, 2024.

To

Shri Akhilesh Singh,
C/o Sarvjan Hitay Sarvjan Sukhay Rashtrawadi Party,
Shop no. 2, Deputyganj, Hariharpur,
M.S. World Vindhyavasini School,
Near Shaheed Path, Dist. - Lucknow,
Uttar Pradesh - 226002.

Subject: - Application for registration of "Sarvjan Hitay Sarvjan Sukhay Rashtrawadi Party" as a political party under Section 29A of the Representation of the People Act, 1951-Regarding.

Sir,



I am directed to refer to your letter dated 12.12.2023, received in the Commission on 26.12.2023, on the subject cited above and to state that the Commission has given you the last opportunity to furnish the documents as sought as vide the Commission's letter dated 12.12.2023, except Demand Draft, (copy enclosed).

2. You are also advised to furnish amended and authenticated party constitution incorporating with all the mandatory provisions as per the Commission's guidelines available at its website www.eci.gov.in.

3. It is hereby informed that if all the above-mentioned documents/particulars are not received in the Commission within a period of 45 days from the date of issue of this letter, the case of registration of the party will be closed without any further communication in the matter.

4. The matter of registration of your party will be considered only after the receipt of the above mentioned particulars.

Encl:

Copy to: Guard File

Yours faithfully,


(M. L. MEENA)

UNDER SECRETARY

5. This Court records the submissions made by learned counsel for respondent, that despite various opportunities being granted by respondent to the petitioner, petitioner has not fulfilled the requisite formalities and has not submitted the various documents, as directed by the respondent.

6. This Court further takes note of the submission of learned counsel for respondent, that in case the petitioner applies afresh along with the requisite documents, the case of the petitioner shall be considered for registration as a political party, if all the compliances, are made.

7. At this stage, learned counsel for the petitioner submits that he shall withdraw the present writ petition, and approach the respondent- Election Commission of India again, with fresh application.

8. Accordingly, it is directed that the petitioner shall file fresh application for registration of its party as political party with the respondent- Election Commission of India.



9. Upon receipt of the application of the petitioner, the respondent shall consider the application of the petitioner, as per its merits.
10. In case any discrepancy is found in the application of the petitioner, the same shall be intimated to the petitioner, in accordance with law.
11. Upon the petitioner rectifying the discrepancies, as pointed out by the respondent, and upon fulfilling all requisite formalities, the respondent shall proceed to grant registration to the political party of the petitioner.
12. The present writ petition, along with the pending application is disposed of, with the aforesaid directions.

MINI PUSHKARNA, J

APRIL 7, 2025/au