

(2020) 01 DEL CK 0138

In the Delhi High Court

Case No : Civil Writ Petition No. 12163 Of 2019, Civil Miscellaneous No. 49753, 49754 Of 2019

Hans Raj Jain

APPELLANT

Vs

Election Commission Of India

RESPONDENT

Date of Decision : 13-01-2020

Acts Referred:

Citation : (2020) 01 DEL CK 0138

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;C. Hari Shankar, J

Bench : Division Bench

Advocate : Sidhant Kumar

Final Decision : Disposed Of

Judgement

D.N. Patel, CJ

CM No. 49753/2019 (exemption)

1. Exemption allowed, subject to all just exceptions.

2. The application is disposed of.

W.P.(C) 12163/2019

1. This so called Public Interest Litigation has been preferred with the following prayers :

"i) pass appropriate writ, order of directions directing the respondent ECI for inspection of record of the printed paper slips in the drop box of the printer of WPAT electronic device, one by one in respect of all Parliamentary Constituencies because there is a great discrepancy, mismatching in EVM Vote poled. and counting vote in large scale approx. 373 Lbk Sabha Constituencies iii 2019 elections.

ii) pass appropriate writ, order of directions directing the respondent ECI to use

appropriate prototype of VVPAT system in future, in which the printer is kept open. The printed ballot will get cut and fall in a tray in front of the printer. The voter will pick it up from the tray, verify it^ fold it and bring it out of voting compartment and drop the same in a sealed box kept for this purpose in front of the presiding officer before leaving the polling station.

iii) pass appropriate writ, order or direction directing the respondent to manually count the printed paper slips in the dropbox of the printer in respect of any polling station or polling stations in all future Legislative Assembly elections and/ or Parliamentary elections where paper trail has been introduced.

iv) pass any other order (s) relief (s) which this Hon'ble Court deems fit and proper to be passed in favour of large scale of people."

2. Having heard the petitioner in person and learned counsel for the respondent and looking to the facts and circumstances of the case, it appears that the representations preferred by this petitioner which are annexed as Annexures P-18, P-19 and P-20 in the memo of the writ petition, are yet to be decided by the respondent as submitted by petitioner in person.

3. In view of this submission, we hereby direct the respondent to consider the grievances ventilated by the petitioner especially in the representations as stated hereinabove and decide those representations in accordance with law, rules, regulations and Government policies applicable to the facts of the present case after keeping in mind the various decisions rendered by Hon'ble the Supreme Court of India in this regard.

4. With these observations, this writ petition is hereby disposed of.

CM No.49754/2019

1. In view of the disposal of the writ petition, this application stands disposed of.