
(2021) 06 UK CK 0155

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1116 Of 2021

Hosiyar Chand

APPELLANT

Vs

State Of Uttarakhand & Ors

RESPONDENT

Date of Decision : 30-06-2021

Acts Referred:

Citation : (2021) 06 UK CK 0155

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : S.K. Mandal, T.S. Phartiyal, Sanjay Bhatt

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Heard learned counsel for the parties through video conferencing.

2. By means of this writ petition, petitioner has sought the following reliefs:-

â??(i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to revise the voter list of voters of Village

Sarpura and separate the residents of reserved forest Bagga 54 from the revenue village Sarpura and may not include the voters of reserved forest

Bagga 54 in the Village Panchayat Sarpura, Tehsil Khatima, District Udham Singh Nagar.

(ii) Issue a writ, order or direction in the nature of mandamus directing and commanding the respondents to decide the representation of the petitioner

dated 02.01.2021 (Annexure No.8) in according with the law expeditiously as possible as earlier.â??

3. Learned counsel for the petitioner submits that names of certain persons, who are residing within a reserve forest have been included in the voter

list for Panchayat elections, which is impermissible, therefore, names of such persons are liable to be removed from the voter list, as any person

residing inside a reserve forest, cannot be a voter in respect of a 3-tier Panchayat.

4. Learned counsel for the petitioner has referred to one document which is a letter dated 15.01.2021 issued by Deputy Secretary, State Election

Commission to the District Magistrate/District Election Officer, Udham Singh Nagar. Perusal of the letter along with the document enclosed

therewith, indicates that District Magistrate, Udham Singh Nagar, was requested by the State Election Commission to take decision on the complaint

as to whether person residing within reserved forest, have been included in the voter list or not.

5. Learned counsel for the petitioner submits that no inquiry has been made in the matter despite the said letter dated 15.01.2021.

6. Having regard to the facts and circumstances of the case, writ petition is disposed of with a direction to District Magistrate, Udham Singh Nagar, to

have an inquiry made in terms of the aforesaid letter dated 15.01.2021, as per applicable rules, as early as possible, but not later than ten weeks from

the date of production of certified copy of this order. It goes without saying that all the stakeholders shall be provided reasonable opportunity of

hearing. The District Magistrate shall refer the inquiry report to the State Election Commission within one thereafter.