
(2010) 10 AHC CK 0083
In the Allahabad High Court
Case No : C.M.W.P. No. 60428 of 2010

Janmejaya Singh and Others	Vs	APPELLANT
State of U.P. and Others		RESPONDENT

Date of Decision : 01-10-2010

Acts Referred:

Uttar Pradesh Panchayat Raj (Registration of Electors) Rules, 1994 — Rule 21A
Uttar Pradesh Panchayat Raj (Registration of Electors) Supplementary Provisions
Order, 1999 — Section 5
Uttar Pradesh Panchayat Raj Act, 1947 — Section 9(10)

Citation : (2011) 2 AWC 1549

Hon'ble Judges : Sanjay Misra, J; Amitava Lala, J

Bench : Division Bench

Judgement

Amitava Lala, J.—Petitioners' contention before us is that the matter is not like other usual matters where the Court has been called upon unnecessarily to interfere in the election matters after issuance of notification of the election dated 16.9.2010. and before the last date of completion of election and notification thereto. It is a very special case in which the electoral role of the Petitioner has been rejected during the period of notification by the appropriate authority for which appeal lies to the authority concerned as per Rule 21A of U.P. Panchayat Raj (Registration of Electors) Rules, 1994 and an appeal has already been made which is pending for due consideration and its disposal.

2. It has been pointed out on behalf of Respondent Election Commission that it can be corrected, provided the last date of making nomination for election in the Gram Panchayat is completed and in such case it will not be done before the completion of the election. To that extent he relied upon Section 5 of U.P. Panchayat Raj (Registration of Electors) Supplementary Provisions Order, 1999.

3. Factually, nomination is to be filed in the fourth phase and till now no question of last date of filing nomination has come forward.

4. We have also gone through the scope of the U.P. Panchayat Raj Act, 1947 and

find that there is a provision u/s 9 (10) (b) of the said Act for the correction of any existing entry in the electoral roll on the application of the elector concerned. Therefore, composite meaning of all the provisions referred above speak that since the last date of nomination is not complete and the order was passed during the period of notification and an appeal is pending, the same is required to be heard as expeditiously as possible but not beyond a period of seven days from the date of communication of this order.

5. Accordingly, the writ petition is disposed of with the above observation and order, however, without imposing any cost.

Sanjay Misra, J.

6. I agree.