
(2010) 12 SHI CK 0069
In the High Court Of Himachal Pradesh
Case No : CWP No. 7869 of 2010

Lekh Raj and Others

APPELLANT

Vs

The State of H.P. and Others

RESPONDENT

Date of Decision : 10-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0069

Hon'ble Judges : Kurian Joseph, C.J;V.K. Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The Writ Petition is filed mainly with the following prayer:

A writ in the nature of mandamus may kindly issued thereby directing the Respondents to include/insert the names of the Petitioners as well as their family members in the electoral-rolls of Ward No. 5-Datti Brahmana of Gram Panchayat, Dauti and the Petitioners and their family members be allowed to cast their votes for the election of Gram Panchayat/Panchayat Samiti/Zila Parishad in the elections to be held on 28th, 30th December, 2010 and 1st of January, 2011 in the interest of justice and fair play.

2. The learned Counsel appearing for the Election Commission submits that no petition can be entertained after nine days before the last date for filing nomination. According to the Petitioner, on 5th December being Sunday, on 6th December, 2010, the representations had been submitted to the Deputy Commissioner for inclusion of the names left-out in the electoral rolls. In case on 6th December, 2010, the applications had been filed within nine days before the last date for filing nominations, whether it is in accordance with law, it is a different matter. Therefore, in case any request has been made before the Deputy Commissioner, that is, District Election Officer, on or before 6th December, 2010, that is nine days prior to the last date of filing nominations, the said authority shall take appropriate action forthwith in the matter. Petitioner will produce the copy of this judgment alongwith copy of writ petition before the District Election Officer.

3. With these observations, the Writ Petition is disposed of, so also the pending application(s), if any.