
(2020) 02 RAJ CK 0423
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2488 Of 2020

Shyam Lal Gurjar

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 24-02-2020

Acts Referred:

Citation : (2020) 02 RAJ CK 0423

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Ram Niwas Choudhary

Final Decision : Dismissed

Judgement

This writ petition has been filed by the petitioner aggrieved against the orders dated 9/1/2020 (Annex.9) and 6/2/2020 (Annex.12) passed by the

Electoral Registration Officer and District Election Officer, respectively, whereby, the application filed by the petitioner for adding his name in the

voter list of Panchayat Circle, Danthal has been rejected.

It is inter alia claimed in the petition that the petitioner's name was recorded in Gram Panchayat, Pataliyas; the petitioner filed an application

Annex.4 with the Electoral Registration Officer for recording his name in Panchayat Circle, Danthal. Certain villagers made representation to the

SDM against the said application. The Sarpanch of the Gram Panchayat, Danthal recorded her No Objection vide Annex.8, however, the Electoral

Registration Officer by his order dated 9/1/2020 (Annex.9) came to the conclusion that the petitioner was ordinary resident of Gram Panchayat,

Pataliyas and consequently rejected the application.

Being aggrieved, the petitioner filed appeal before the Collector. The Collector by

his order dated 6/2/2020 (Annex.12) came to the conclusion that at Batakhon-ka-kheda no agriculture land was recorded in the name of petitioner; in village Patania land in the name of Shyam Lal and his father was recorded and at the same Gram Panchayat, name of petitioner's father was recorded; further requisite fee was also not paid and consequently rejected the appeal.

It is submitted by learned counsel for the petitioner that both the authorities committed error in rejecting the application filed by the petitioner.

Submissions were made that the fact that petitioner did not own agriculture land in Batakhon-ka-kheda cannot be a reason for rejecting his application as the requirement is that of being an ordinary resident, which the petitioner has been able to prove and, therefore, rejection of the application cannot be sustained.

Further submissions were made that the rejection of appeal on the ground that the petitioner had not filed the non-judicial stamp of Re.1 is only indicative of the manner in which the application/appeal filed by the petitioner has been rejected on wholly irrelevant grounds and, therefore, the orders impugned deserve to be quashed and set aside.

I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

The Electoral Registration Officer, in a summary inquiry, by his order came to the conclusion that the petitioner has failed to produce any material in respect of his ordinary residence at village Batakhon-ka-kheda for entering his name in Panchayat Circle, Danthal. The said finding upheld by the appellate authority i.e. District Collector, is admittedly a finding of fact and the learned counsel for the petitioner has failed to produce any material on record to indicate the said finding as perverse.

Merely because the petitioner, with a view to contest the ensuing election has taken a house on rent at a particular place cannot make him an ordinary resident of the said place, which is a pre-requisite for entering the name in the electoral roll.

In view of the above discussion, no case for interference in the concurrent orders of two authorities is made out. The writ petition has no substance and the same is, therefore, dismissed.