

Office of the Election Authority

Under J&K Panchayati Raj Act, 1989

(Chief Electoral Officer, J&K)

“Greater Participation for a Stronger Democracy”

Subject: OWP No. 2370/2018, IA No.01/2018 titled Abdul Qudoos Bhat Vs Chief Electoral Officer, J&K & Others.

ORDER

Whereas, the petitioner preferred to file the aforesaid writ petition and the same came to be disposed of by the Hon'ble Court by way of an order dated 16-11-2018, the operative part of which is reproduced below:

“This petition is disposed of with a direction to the Chief Electoral Officer, Jammu to decide the appeal of the petitioner before the date of election. A copy of this order may be provided to learned counsel for the petitioner today itself under the seal and signatures of bench secretary.”

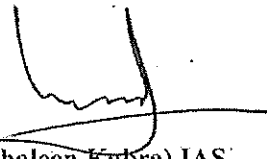
Whereas, petitioner is aggrieved of the rejection of his nomination papers by the concerned Returning Officer; and

Whereas, report in the matter was sought and also principle of *audi alterum partem* was duly followed by way of providing opportunity of hearing to the petitioner in the instant matter through his Counsel; and

Whereas, a report has also been received from the District Panchayat Election Officer, (Deputy Commissioner) Ramban accompanied with relevant documents; and

Whereas, after hearing the Ld. Counsel for petitioner and upon perusal of the records, it is revealed that the petitioner is registered as voter at two places - in the electoral roll/voter list of the Municipal Committee, ward No. 02, Bhatyari, District Ramban figuring at S. No. 151 and, simultaneously, in the electoral roll of Halqa Panchayat Lamber. The petitioner also stated that his name stood deleted from the Voter list of the said Municipal Committee, giving reference to communication of the concerned Booth Level Officer (BLO); however, careful perusal of this shows that the BLO has only initiated the process of deletion as per the petitioner's request and the due process required to be followed for deletion leading to approval of the competent authority is yet to be concluded as reflected from communication dated 09-11-2018 addressed to the District Panchayat Election Officer (Deputy Commissioner) Ramban by concerned Electoral Registration Officer. It is also revealed from the copy of the electricity bill that the petitioner has an address in Ramban town. Moreover, the petitioner holds an EPIC card issued LQH 0948000 too which implies that his place of ordinary residence is Ramban town.

Now, therefore, in due deference of court directions and taking into consideration the factual matrix, the undersigned has reached the conclusion that the petitioner is very much a part of the electoral roll/voter list of Municipal Committee, Ramban since that is his place of ordinary residence and hence, the plea of the petitioner with regard to the rejection of his nomination does not sustain.



(Shaleen Kabra) IAS

Election Authority
Under J&K Panchayati Raj Act, 1989
(Chief Electoral Officer, J&K)

No. 5402/CEO/LS/Pyt/2018/130

Dated: 19-11-2018

Copy to:

1. District Panchayat Election Officer (Deputy Commissioner) Ramban for information and n/a. He shall also examine whether the case falls under section 140-A of J&K Representation of the People Act, 1957.