

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMB No. 503 of 2025</p> <p><u>Hon'ble G. Narendar, C.J.</u> <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Abhijay Negi and Ms. Snigdha Tiwari, learned counsel for the petitioner.</p> <p>2. Mr. Sanjay Bhatt, learned Standing Counsel for the State Election Commission/respondents.</p> <p>3. Heard learned counsel for the petitioner and learned Standing Counsel for the State Election Commission.</p> <p>4. The learned counsel for the petitioner would submit that there are umpteen number of instances where candidates, whose names are found in multiple voter list, are permitted to contest the elections. That several complaints came to be lodged, leading to the Election Authority seeking a clarification and the same is clarified by the Election Commission thus; “the nomination paper of a candidate will not be rejected only on the ground that his name is included in the electoral roll of more than one Gram Panchayat/Territorial Constituencies/Municipal Body”. The above clarification appears to be in the teeth of the provisions of Sub-Section (6) and Sub-Section (7) of Section 9 of Uttarakhand Panchayati Raj Act, 2016, which read as under:-</p> <p>“(6) No person shall be entitled to be registered in the electoral roll for more than one territorial constituency or more than once in the electoral roll for the same territorial constituency.</p> <p>(7) No person shall be entitled to be registered in the electoral roll for any territorial constituency if his name is entered in any electoral roll pertaining to any, municipal corporation, municipality, Nagar Panchayat or cantonment unless he shows that his name has been struck off from such</p>

			<p>electoral roll.”</p> <p>5. The clarification, as noted supra, <i>prima facie</i>, appears to be in the teeth of the statutory provisions noted above. When the Statute expressly prohibits the registration of a voter in more than one territorial constituency or more than one electoral roll and the same being a statutory bar, the clarification now given by the State Election Commission appears to be in the teeth of the bar under Sub-Section (6) and Sub-Section (7) of Section 9.</p> <p>6. In that view, the clarification, <i>prima facie</i>, appears to be contrary to the mandate of Sub-Section (6) and Sub-Section (7) of Section 9, requires to be stayed and is stayed and shall not be acted upon.</p> <p>7. List this case on 11.08.2025.</p> <div><div><p>(Alok Mahra, J.) 11.07.2025 Ujjwal</p></div><div><p>(G. Narendar, C.J.) 11.07.2025</p></div></div>
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