

Office of the Election Authority

Under J&K Panchayati Raj Act, 1989

(Chief Electoral Officer, J&K)

“Greater Participation for a Stronger Democracy”

Subject: Appeal titled Mukhtiyar Ali versus Electoral Registration Officer, Ramban and another.

ORDER No.: CEO/Pyt/2018/ 736
DATED 27-11-2018

Whereas, the appellant preferred an appeal against the order dated 07-11-2018 issued by Electoral Registration Officer, Ramban whereunder it was directed that name of the appellant be deleted from voter list of panchayat Halqa Tanger and included in voter list of Panchayat Halqa Kanga of District Doda. Also, appellant has challenged the order dated 14-11-2018 passed by concerned Returning Officer whereunder nomination of the appellant was rejected; 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 appellant in the instant matter through his Counsel; and

Whereas, after hearing the Ld. Counsel for appellant and upon perusal of the records, it is revealed that the appellant claims that he has been the resident of Panchayat Halqa Kanga but shifted to Panchayat Halqa Tanger. The appellant had got his name included in Panchayat Halqa Tanger and deletion from Panchayat Halqa Kanga. Subsequently, upon enquiry into the matter pursuant to a complaint, Block Development Officer, Gandhri in his report dated 01-11-2018 stated that name of appellant was entered first in ward No. 04 at S. No. 126 Khana No. 25 of Panchayat Halqa Tanger but deleted later as it was of Sh. Bal Krishan S/o Amar Nath whose S. No. was 105 and then entered in ward No. 04 at S. No. 124 Khana No. 29, shown as the new Khana in Panchayat Halqa Tanger. Further, the name of appellant and his family members still exists in voter list of Assembly segment at S. No. 130 Khana No. 25 of Polling Station No. 48 of M. S. Dharamkund (Panchayat Kanga). Consequent upon this report, Electoral Registration Officer, Ramban in an order issued on 07-11-2017 stated that such an inclusion and deletion had been made fraudulently and, accordingly, issued direction to delete his name from voter list of Halqa Panchayat Tanger and its inclusion in the voter list of Panchayat Halqa Kanga. While submitting compliance to the said order, BDO, Gandhri mentioned about the appellant being permanently and presently residing at Panchayat Halqa Kanga; and

Now, therefore, the above facts lead to conclusion that the place of ordinary residence of the appellant namely Sh. Mukhtayar Ali, S/o Fatha Mohd. is Panchayat Halqa Kanga and hence his deletion from Panchayat Halqa Tanger and addition in Panchayat Halqa Kanga has been done correctly and as a consequence thereof, the instant appeal fails.


(Shaleen Kabra) IAS
Election Authority

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

Dated: 27-11-2018

No. 6463/CEO/Pyt/2018/4032-33
Copy to:

1. District Panchayat Election Officer (Deputy Commissioner) Ramban for information and n/a.
2. R.O concerned for information and n/a.