

A.K.M. Hassan Uzzaman And Ors. vs Union Of India (Uoi) And Ors. on 30 March, 1982

Equivalent citations: 1982(1)SCALE263, (1982)2SCC218, 1982(14)UJ371(SC)

Author: Bharul Islam

Bench: Y.V. Chandrachud, D.A. Desai, A.P. Sen, E.S. Venkataramiah, Baharul Islam

ORDER

1. The Transferred Case and the Appeals connected with it raise important questions which

(1) The High Court acted within its jurisdiction in entertaining the Writ Petition and i

(2) We are unable to accept the argument advanced on behalf of the petitioners that the

(3) Surprisingly, though rightly, no argument was made before us on behalf of the petiti

2. For these reasons and those which we will give in our judgment later, we dismiss the

BHARUL ISLAM, J.

1. I regret my inability to associate myself with some of the observations made by Lord, the Chief Justice, in para 2 of the order just pronounced. While I do not have nay doubt in the Integrity and impartiality of the Election Commission, I am not satisfied that all the Electoral Registration Officers concerned and all the staff working under them, were beyond reproach in their conduct in implementing the relevant provisions of the Constitution, the Representation of People Acts of 1950 and 1951, the Electroal Registration Rules, 1960 and the directions given by the Election Commission in the preparation of the electoral rolls. I, however, agree that the Writ Petition under Article 226 of the Constitution filed before the Calcutta High Court and transferred to this Court be dismissed and the stay orders granted by the High Court be vacated, for reasons to be given in my judgment to follow.

2. Mr. Nariman, learned counsel for the Election Commission told us at the time of hearing that the claims and objections already filed had been, and were being, looked into. It is hoped that claims

and objections, if any outstanding yet, will be disposed of, and names included, in the electoral roils tills the last date of making nominations, as permissible under Section 23(3) of the Representation of People Act, 1950.