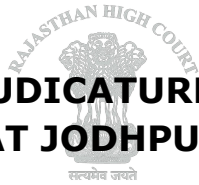




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Civil Writ Petition No. 7411/2026

CNR: RJHC010288482026 | URN: CW / 13574U / 2026

Mamta W/o Suresh Kumar Jain, Aged About 39 Years, Resident Of Ward No. 3, Gram Panchayat Doodhu, Panchayat Samiti Mangta, Tehsil Gudamalani, District Barmer. Presently Residing At Near Jain Dharmshala, Jain Mohalla Gudhamalani, Barmer, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Panchayati Raj And Rural Development Department, Government Of Rajasthan, Secretariat, Jaipur. (Raj.).
2. The Chief Election Officer And Secretary, State Election Commission, Secretariat, Jaipur, Rajasthan.
3. The Electoral Registration Officer Cum District Magistrate, Barmer (Raj.).
4. The Electoral Registration Officer, Gudamalani, District Barmer, Rajasthan.
5. The Assistant Electoral Registration Officer, (Tehsildar), Nokhra, District Barmer.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 6499/2026

CNR: RJHC010288282026 | URN: CW / 11919U / 2026

Vimla D/o Shri Hanuman Ram, Aged About 31 Years, Resident Of Ward No. 7, Gram Panchayat Aalamsar Khurd, Panchayat Samiti And Tehsil Dhorimanna, District Balotra (Earlier District Barmer). Presently Residing At Ward No. 7, Gram Panchayat Bheelo Ki Dhani, Chak 1, Panchayat Samiti Mangta, District Barmer, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Panchayati Raj And Rural Development Department, Government Of Rajasthan, Secretariat, Jaipur (Raj.).
2. The Chief Election Officer And Secretary, State Election



Commission, Secretariat, Jaipur, Rajasthan.

3. The Electoral Registration Officer Cum District Magistrate, Barmer (Raj.)
4. The Electoral Registration Officer Cum District Magistrate, Balotra (Raj.)
5. The Assistant Electoral Registration Officer (Tehsildar), Nokhra, District Barmer (Raj.)
6. The Electoral Registration Officer, Dhorimanna District Balotra (Raj.)

-----Respondents

S.B. Civil Writ Petition No. 6684/2026

CNR: RJHC010288322026 | URN: CW / 12248U / 2026

Suresh Kumar Jain S/o Shri Asulal Jain, Aged About 45 Years, Resident Of Ward No. 3, Gram Panchayat Doodhu, Panchayat Samiti Mangta, Tehsil Gudamalani, District Barmer. Presently Residing At Near Jain Dharmshala, Jain Mohalla Gudhamalani, Barmer, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Panchayati Raj And Rural Development Department, Government Of Rajasthan, Secretariat, Jaipur (Raj.)
2. The Chief Election Officer And Secretary, State Election Commission, Secretariate, Jaipur, Rajasthan.
3. The Electoral Registration Officer Cum District Magistrate, Barmer (Raj.)
4. The Electoral Registration Officer, Gudamalani, District Barmer, Rajasthan.
5. The Assistant Electoral Registration Officer (Tehsildar), Nokhra, District Barmer.

-----Respondents

S.B. Civil Writ Petition No. 7407/2026

CNR: RJHC010287642026 | URN: CW / 13570U / 2026

Hanuman Ram S/o Shri Hema Ram, Aged About 65 Years, Resident Of Ward No. 7, Gram Panchayat Aalamsar Khurd, Panchayat Samiti And Tehsil Dhorimanna, District Balotra (Earlier District Barmer). Presently Residing At Ward No. 7, Gram



Panchayat Bheelo Ki Dhani, Chak 1, Panchayat Samiti Mangta,
District Barmer, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Panchayati Raj And Rural Development Department, Government Of Rajasthan, Secretariat, Jaipur (Raj.).
2. The Chief Election Officer And Secretary, State Election Commission, Secretariat, Jaipur, Rajasthan.
3. The Electoral Registration Officer Cum District Magistrate, Barmer (Raj.).
4. The Electoral Registration Officer Cum District Magistrate, Balotra (Raj.).
5. The Assistant Electoral Registration Officer (Tehsildar), Nokhra, District Barmer (Raj.).
6. The Electoral Registration Officer, Dhorimanna District Balotra (Raj.).

-----Respondents

S.B. Civil Writ Petition No. 7510/2026

CNR: RJHC010297572026 | URN: CW / 13719U / 2026

1. Mahaveer Jain S/o Shri Babu Lal Jain, Aged About 31 Years, Resident Of Revenue Village Bhurani Jangu Nagar, Gram Panchayat Godaro Ki Dhaniya, Panchayat Samiti, Dhorimanna, District Balotra (Raj.).
2. Nitika Bohra W/o Shri Mahaveer Jain, Aged About 26 Years, Resident Of Revenue Village Bhurani Jangu Nagar, Gram Panchayat Godaro Ki Dhaniya, Panchayat Samiti, Dhorimanna, District Balotra (Raj.).

-----Petitioners

Versus

1. The State Of Rajasthan, Through The Secretary, Panchayati Raj And Rural Development Department, Government Of Rajasthan, Secretariat, Jaipur. (Raj.)
2. The Chief Election Officer And Secretary, State Election Commission, Secretariate, Jaipur, Rajasthan.
3. The Electoral Registration Officer Cum District Magistrate, Balotra (Raj.)





4. The Electoral Registration Officer, Dhorimanna, District Balotra (Raj.)

-----Respondents

S.B. Civil Writ Petition No. 7686/2026

CNR: RJHC010297232026 | URN: CW / 14022U / 2026

1. Tiloka Ram S/o Shri Badara Ram, Aged About 70 Years, Resident Of Bhakharo Ki Dhani, Gram Panchayat Bhalisar, Panchayat Samiti And Tehsil Dhorimanna, District Balotra.
2. Khetu W/o Shri Tiloka Ram, Aged About 71 Years, Resident Of Bhakharo Ki Dhani, Gram Panchayat Bhalisar, Panchayat Samiti And Tehsil Dhorimanna, District Balotra.
3. Cheni W/o Shri Joga Ram, Aged About 33 Years, Resident Of Bhakharo Ki Dhani, Gram Panchayat Bhalisar, Panchayat Samiti And Tehsil Dhorimanna, District Balotra.

-----Petitioners

Versus

1. The State Of Rajasthan, Through The Secretary, Panchayati Raj And Rural Development Department, Government Of Rajasthan, Secretariat, Jaipur (Raj.)
2. The Chief Election Officer And Secretary, State Election Commission, Secretariate, Jaipur, Rajasthan.
3. The Electoral Registration Officer Cum District Magistrate, Barmer (Raj.)
4. The Electoral Registration Officer Cum District Magistrate, Balotra (Raj.)
5. The Electoral Registration Officer, Dhorimanna, District Balotra (Raj.)

-----Respondents

S.B. Civil Writ Petition No. 7712/2026

CNR: RJHC010297732026 | URN: CW / 14071U / 2026

Joga Ram S/o Shri Tiloka Ram, Aged About 34 Years, Resident Of Bhokharo Ki Dhani, Gram Panchayat Bhalisar, Panchayat Samiti And Tehsil Dhorimanna, District Balotra.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Panchayati Raj And Rural Development Department,



Government Of Rajasthan, Secretariat, Jaipur (Raj.).

2. The Chief Election Officer And Secretary, State Election Commission, Secretariat, Jaipur, Rajasthan.
3. The Electoral Registration Officer Cum District Magistrate, Barmer (Raj.).
4. The Electoral Registration Officer Cum District Magistrate, Balotra (Raj.).
5. The Electoral Registration Officer, Dhorimanna, District Balotra (Raj.).

-----Respondents

S.B. Civil Writ Petition No. 7755/2026

CNR: RJHC010288522026 | URN: CW / 14137U / 2026

Navli Choudhary W/o Shri Hanuman Ram, Aged About 50 Years, Resident Of Ward No. 7, Gram Panchayat Aalamsar Khurd, Panchayat Samiti And Tehsil Dhorimanna, District Balotra (Earlier District Barmer). Presently Residing At Ward No. 7, Gram Panchayat Bheelo Ki Dhani, Chak 1, Panchayat Samiti Mangta, District Barmer, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Panchayati Raj And Rural Development Department, Government Of Rajasthan, Secretariat, Jaipur. (Raj.)
2. The Chief Election Officer And Secretary, State Election Commission, Secretariat, Jaipur, Rajasthan.
3. The Electoral Registration Officer Cum District Magistrate, Barmer (Raj.).
4. The Electoral Registration Officer Cum District Magistrate, Balotra (Raj.).
5. The Assistant Electoral Registration Officer (Tehsildar), Nokhra, District Barmer (Raj.).
6. The Electoral Registration Officer, Dhorimanna District Balotra (Raj.)

-----Respondents

For Petitioner(s) : Mr.Sunil Joshi with
Mr.Mahipal Singh Deora &





Mr.Abhijeet Singh Charan

For Respondent(s) : Mr.Sanjay Raj Paliwal
Mr.Kuldeep Vaishnav with
Mr.Arpit Yoganandi &
Mr.Nilesh Choudhary

JUSTICE ANOOP KUMAR DHAND

Order

19/08/2026

1. Since common questions of facts and law are involved in all the instant writ petitions, therefore, with the consent of counsel for the parties, the matters are taken up and arguments have been heard and they are being decided by this common order.

2. For the sake of convenience, the facts and prayer pleaded in SB Civil Writ Petition No.6499/2026 are taken into consideration. The instant writ petition has been preferred with the following prayer:

"By an appropriate writ, order or direction:

(i) The entire record pertaining to the preparation of the electoral roll of the Gram Panchayat Aalamsar Khurd, Panchayat Samiti, Dhorimanna and the record pertaining to the preparation of the electoral of the Gram Panchayat Bheelo Ki Dhani, Panchayat Samiti Mangta may kindly be called for and same kindly be reviewed judiciously;

(ii) The order impugned dated 14.02.2026 (Annexure-7) passed by the Electoral Registration Officer, Dhorimanna, rejecting the claim of the petitioner to include her name in the electoral roll of Gram Panchayat Aalamsar Khurd, Panchayat Dhorimanna, may kindly be quashed and set aside;



(iii) The respondent authorities may kindly be directed to include the name of the petitioner in the electoral roll pertaining to Gram Panchayat Aalamsar Khurd, Panchayat Samiti Dhorimanna, District Balotra (earlier Barmer);

(iv) Any other writ or direction that may be deemed fit, just and proper in the facts and circumstances of the case may kindly be issued in favour of the petitioner.

(v) Costs may kindly be awarded."

3. By way of filing the instant writ petition, a prayer has been made for quashing the impugned order dated 14.02.2026 passed by the Electoral Registration Officer, Dhorimanna and a prayer has been further made for issuing directions to the respondents to include the name of the petitioner in the electoral roll.

4. Learned counsel for the petitioner submits that in terms of the provisions contained under Rules 13 and 20 of the Rajasthan Panchayati Raj (Election) Rules, 1994 (for short, "the Rules of 1994"), an application was submitted by the petitioner before the Electoral Registration Officer, Dhorimanna for inclusion of her name in the electoral roll of Ward No.7 of the Gram Panchayat Aalamsar Khurd. Counsel submits that the Electoral Registration Officer, Dhorimanna accepted the aforesaid prayer of the petitioner and passed the orders accordingly. Subsequently, on account of political intervention, the petitioner's claim was rejected without issuing any notice or affording any opportunity of hearing to her. Counsel submits that in a democratic setup, the petitioner cannot be compelled to cast her vote or participate in the election process from a particular place. Her name can only be





inserted in the electoral roll of the area, where she is residing. Counsel submits that since the petitioner is residing in Ward No.7, Gram Panchayat Aalamsar Khurd, an application was submitted by her for insertion of her name in the electoral roll of Ward No.7, Gram Panchayat Aalamsar Khurd. Counsel submits that Electoral Registration Officer, Dhorimanna while exercising its authority, accepted the claim of the petitioner and passed the orders accordingly. However, on account of political interference, the aforesaid order was changed at a subsequent stage, without issuing any notice to the petitioner. Hence, the order impugned suffers from violation of principles of natural justice and the same is not sustainable in the eyes of law and is accordingly liable to be quashed and set aside.

5. In support of his contention, he has placed reliance upon the order passed by the Co-ordinate Bench of this Court in the case of **Ashok Kumar & Anr. Vs. The State of Rajasthan & Ors.** while deciding **S.B. Civil Writ Petition No.235/2015** vide order dated 15.01.2015 and has also placed reliance upon the judgment passed by the Gujarat High Court in the case of **Jayesh Batukbhai Patel (Vanani) Vs. State of Gujarat & Ors.** reported in **2026 SCC OnLine Guj 1874.**

6. *Per contra*, learned counsel appearing on behalf of the respondents opposed the prayer and submitted that the petitioner has an alternative statutory remedy of filing an appeal under Rule 21 of the Rules of 1994. Without availing the aforesaid alternative statutory remedy of filing the appeal, the petitioner has straightaway approached this Court, by way of filing the instant



writ petition under Article 226 of the Constitution of India. Hence, the instant writ petitions are liable to be rejected on this count alone. Counsels further submit that disputed questions of facts are involved in these petitions, hence, under these circumstances, the petitioners are supposed to approach the statutory Appellate Authority.

7. In support of the contentions, counsel for the respondents have placed reliance upon the order passed by the Co-ordinate Bench of this Court at Jaipur Bench in the case of **Jay Prakash & Ors. Vs. The State of Rajasthan & Ors.** reported in **AIR 2020 Raj 52.**

8. Heard and considered the submissions made at the Bar and perused the material available on record.

9. Before entering into merits of the case, this Court deems it just and proper to decide the preliminary objection taken by counsel for the respondents, in terms of Rule 21 of the Rule of 1994. For ready reference, Rule 21 & 21A of the Rules of 1994 are reproduced as under:-

"Rule 21. Appeals. - (1) An appeal shall lie to the Collector from an order made under Rule 14 or 20 by a Electoral Registration Officer, within a period of 15 days from the date of order:

Provided that an appeal shall not lie where a person desiring to appeal has not availed himself of his right to be heard by or to make representation to the Electoral Registration Officer on the matter which is the subject of appeal.

(2) Such appeal shall be-



(a) in the form of memorandum signed by the applicant;

(b) accompanied by a copy of the order appealed from and fee of rupees five shall be paid in non-judicial stamps; and

(c) presented to the Collector, or sent by registered post so as to reach him within the said period.

(3) The presentation of an appeal under this rule shall not have the effect of staying or postponing any action to be taken by the Electoral Registration Officer under Rule 17 or 19:

Provided that no injunction or stay order shall be issued in case where the subject of appeal is an order made under Rule 20.

(4) Decision of the Collector shall be final, but in so far as it reverses or modifies the decision of Electoral Registration Officer it shall take effect only from the date of decision in appeal.

Order of deletion of name without notice to concerned person is liable to be quashed. Person concerned can apply for inclusion of name, to Election Registration Officer.

21A. Restrictions of correction in electoral rolls. - No amendment, transposition or deletion of any entry shall be made and no direction for the inclusion of a name in the electoral roll shall be given under Rule 20 and 21 after the issue of the public notice under Rule 23 or 58, as the case may be, and until completion of elections."

10. Bare perusal of the proviso attached to the Rule 21(1) of the Rules of 1994 indicates that appeal would not lie, where a person desiring to file an appeal has not been heard by the Electoral





Registration Officer. The person has the right to be heard or make representation to the Electoral Registration Officer on the matter, which is subject matter of appeal. The application seeking transposition of the petitioner's name in the electoral roll was allowed and rejected on the same day and before passing the impugned order against the petitioner, no opportunity of hearing was provided to her. The impugned order dated 14.02.2026 indicates that the application for inclusion of name in the electoral roll, submitted by the petitioner, was allowed by the respondents and a direction was issued to insert her name in the electoral roll of Ward No.7 Gram Panchayat Aalamsar Khurd and subsequently, the decision was changed by the respondents and the petitioner's application was rejected, without issuing any notice and affording any opportunity of hearing to the petitioner. Such act of the respondents amounts to gross violation of principles of natural justice, hence, under these circumstances, the objection raised by the respondents regarding maintainability of these writ petitions is not sustainable. The appeal would have been maintainable, if the petitioner's application was rejected by the Electoral Registration Officer, Dhorimanna at the first instance, after affording due opportunity of hearing. But in the instant case, the petitioner's application was allowed and orders were passed for transposition of her name in the electoral roll of Ward No.7, Gram Panchayat Aalamsar Khurd, but later on, this decision was changed all of a sudden, that too, without any intimation and information of the same to the petitioner.



11. Now, this Court proceeds further to enter into the merits of the case, which indicates that in terms of the provisions under Rules 13 & 20 of the Rules of 1994, the petitioner approached the Electoral Registration Officer, Dhorimanna for transposition of her name in the electoral roll of Ward No.7, Gram Panchayat Aalamsar Khurd on the basis of her place of residence. The application, so submitted by the petitioner, was accepted/ allowed by the Electoral Registration Officer, Dhorimanna by passing an order mentioning the cogent reasons for doing so. It appears that on account of some extraneous reasons, which are not disclosed in the order impugned, the petitioner's application was rejected in a single line, without assigning any justification or reasoning for doing so.

12. As per Section 18(2)(b) of the Rajasthan Panchayati Raj Act, 1994 (for short, "the Act of 1994"), a person, who is ordinarily a resident in a Ward or Constituency of the concerned Panchayati Raj Institution is entitled to be registered in the electoral roll for that Ward or the Constituency.

13. Right to vote is a statutory right and it is a basic feature of democracy. Arbitrary deletion from electoral roll or non-addition or non-transposition of a person's name from the electoral roll violates the principles of natural justice. The authorities cannot arbitrarily exclude such names. Principles of natural justice must be followed before deleting any name from the electoral roll. Opportunity of hearing is mandatory. Electoral roll must be prepared carefully. An individual cannot be deprived of the right to



vote on the basis of whims and fancies of the authorities without following due process of law.

14. As per the provisions contained under the Act of 1994 and the Rules of 1994, a person has an indefeasible right to be a part of the election process and he/she would have a right to include his/her name in the electoral roll and cast his/her vote and even to participate in the election. He/she cannot be deprived of such right solely on the whims and fancies of the Electoral Registration Officer or on account of any political intervention.

15. For the reasons stated above, the impugned orders dated 14.02.2026, along-with other orders assailed in each and every writ petitions, passed by the concerned Electoral Registration Officer stand quashed and set aside and a direction is issued to the concerned Electoral Registration Officer to include the name of the petitioners in the electoral rolls, where they have desired to enter their names, by way of transposition.

16. With the aforesaid observation and direction, the instant petitions stand allowed. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

349-356/Aayush Sharma