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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL
ON THE 30th OF OCTOBER, 2023**

WRIT PETITION No. 25888 of 2023

BETWEEN:-

JAI LOK PARTY THROUGH ITS PRESIDENT BRIJESH GUPTA S/O SHRI LAXMAN PRASAD, AGED ABOUT 53 YEARS, REGISTERED OFFICE F-2/5, MAYUR BIHAR, ASHOKA GARDEN, DISTRICT BHOPAL (MADHYA PRADESH)

.....PETITIONER

(BY SHRI VED PRAKASH NEMA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH ITS SECRETARY DEPARTMENT OF HOME(GENERAL) VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**
- 2. UNDER SECRETARY, DEPARTMENT OF HOME (GENERAL) VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**
- 3. DIRECTOR, DIRECTOR OF ESTATE LINK ROAD NO.1, NEAR EKANT PARK, CHAR IMLI, BHOPAL (MADHYA PRADESH)**
- 4. HIGH POWER COMMITTEE, (FORMED UNDER GOVT. HOUSE ALLOTMENT RULES 2000) THROUGH ITS SECRETARY DEPARTMENT OF HOME VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI SUBODH KATHAR - GOVERNMENT ADVOCATE FOR THE STATE)
.....

This petition coming on for admission this day, the court passed the following:

ORDER

This writ petition is filed by the petitioner seeking a direction to the respondents to quash the order dated 15/09/2023, Annexure P-6 passed by the Home Department, Government of Madhya Pradesh Vallabh Bhawan rejecting the petitioner's application for allotment of a Government house on account that petitioner's political party is neither a State Level or National Level recognized political party.

Shri Ved Prakash Nema, learned counsel for the petitioner submits that petitioner's party is a duly registered political party. There is nothing called National Level recognized political party or the State Level recognized political party and petitioner by virtue of President of Jailok Party is entitled to allotment of Government accommodation.

Shri Subodh Kathar, learned Government Advocate submits that there is no vested right in the petitioner to get allotment of a Government accommodation.

After hearing learned counsel for the parties, it is evident that it is second round of litigation. Earlier W.P. No. 8591/2018 was filed in which High Court vide order dated 22nd August, 2023 observed that respondent no. 1 to consider the claim of the petitioner and pass a fresh order specifying the reason, if petitioner's organization is otherwise not entitled to get government quarter under the Rules of 2000.

It is evident from the impugned order that the reason assigned is that name of petitioner's party is not included in the list of National or State parties issued by the Election Commission of India.

Thus, it is noted that an unrecognized political party has no locus to seek allotment of a house and, thus, the application is rejected.

The political party is defined in Paragraph 2(1) (h) of the Election

Symbols (Reservation and Allotment) Order, 1968 :- 'Political party' means an association or body of individual citizens of India registered with the Commission as a political party under paragraph 3 and includes a political party deemed to be registered with the Commission under the proviso of subparagraph (2) of that paragraph as held in the case of **Kanhiya Lal Omar Vs. R.K. Trivedi and others AIR 1986 SC 111.**

After Section 29-A of the Representation of People Act 1951 came into force, paragraph 3 of the Election Symbols (Reservation and Allotment) Order 1968 stood amended, in as much as, the definition of a political party in paragraph 2 (1) (iv) of the Symbols Order was also amended.

Section 2 (1) (f) of the Representation of the People Act, 1951 defines that 'Political Party' to mean an association or a body of individual citizens of India registered with the Election Commission of India as a political party within Section 29-A of the Representation of People Act, 1951.

Recognized 'Political Party' as mentioned in the first proviso to Section 33 (1) of the Representation of People Act, 1951 is assigned the same meaning as assigned to it by the Election Symbols (Reservation and Allotment) Order 1968.

In the present case, though petitioner has filed a covering memo on 25/10/2023 enclosing a resolution and constitution of Jailok Party but has not enclosed a copy of any document to show that petitioner's party is a recognized political party within the meaning of Section 2(1)(f) of the Representation of the People Act or as per the first proviso to Section 33(1) of the Representation of People Act or in terms of paragraph 3 of the Election Symbols (Reservation and Allotment) Order 1968 and, therefore, there being no material on record to

show that petitioner's party is either a recognized State party or a recognized National party, the impugned order having been passed declaring allotment of a house with regard to the petitioner on the touchstone of being not a recognized State or National party cannot be faulted with.

Thus, the petition being devoid of merit deserves to be dismissed and is hereby **dismissed**.

(VIVEK AGARWAL)
JUDGE

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