

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(PIL). No. 5675 of 2018

The Federation of Jharkhand Chamber of Commerce and Industries,
through its Secretary General - Kunal Ajmani

... .. Petitioner

Versus

The State of Jharkhand & Ors. Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner	: Mr. M.S. Mittal, Sr. Advocate Mr. Salona Mittal, Advocate Ms. Amrita Singh, Advocate Mrs. Lavanya Gadodia Mittal, Advocate Mr. Yashdeep Kanhai, Advocate Mr. Arya Vardhan Singh, Advocate
For the Resp. Nos.1 to 3	: Mr. Mrinal Kanti Roy, GA-I
For the Resp. Nos. 4 & 5	: Mr. Sumeet Gadodia, Advocate
For the Resp. No. 6	: Dr. Ashok Kumar Singh, Advocate
For the Resp. No. 7	: Mrs. Richa Sanchita, Advocate Ms. Suman Roy, Advocate

Order No. 08

Dated: 20.08.2025

The instant Public Interest Litigation has been filed for
the following reliefs:

a. For issuance of writ of *mandamus* upon the respondents directing them not to interfere with the business activities of the concerned occupiers of the shops and godowns situated at Terminal Market Yard, Pandra, Ranchi by taking possession of their said shops and/or godowns for the purpose of keeping the Electronic Voting Machines (E.V.M.) and/or for setting-up counting center of elections or for any other election activities of local, state or central elections as the said actions of the respondents violate the fundamental rights of the concerned persons to carry out their business or profession and also causes severe prejudice and loss to the concerned persons

and also the public at large since the entire market, which caters to the daily needs of many households, gets adversely affected;

b. For the issuance of an appropriate writ or a writ in the nature of *mandamus* directing the respondents to use or take possession of a property, other than the Terminal Market Yard, Pandra, Ranchi, by following the due process of law for the purpose of storing electronic voting machines or setting-up counting centers or for any other allied election activities for local, state or central elections;

c. For the issuance of an appropriate writ or a writ in the nature of *mandamus* directing the respondents to make/establish in a specified time period of its own permanent infrastructure for the purpose of storing electronic voting machines or setting-up counting centers or for any other allied election activities for local, state or central elections as was already directed by this Hon'ble Court in its judgment dated 16.01.2017 passed in W.P.(PIL) No. 2944 of 2013.

2. At the outset, it needs to be noticed that this is not the first occasion that the issue as raised in the present writ petition has come up before this Court. Earlier to this, a similar issue was the subject-matter of W.P.(PIL) No. 2944 of 2013, which was finally disposed of by a learned Division Bench of this Court vide order dated 16.01.2017 with the following observations:

"2. In view of these submissions, this Court is not inclined to further monitor this case. Nonetheless, it is expected from the State of Jharkhand that:

(i) necessary land should be allocated for the purpose of which the aforesaid premises were kept continuously by the State for much longer time i.e. to keep the ballot papers etc.

(ii) after getting the land some construction should also be carried out permanently so that such type of business premises may not be occupied by the State and a permanent solution will be there with the State Government because different types of elections are coming periodically.

(iii) it is not desirable to take the business premises of the persons in the State of Jharkhand for keeping ballot papers etc. for the election purposes. After bifurcation of the State from November, 2000 in a phase wise manner also if the work would have been started by the State for keeping the ballot papers separately in the premises of the State, this Court have been achieved by now i.e. after approximately 16 years.”

3. Thereafter, identical issue came up for consideration before one of us (Sri Rajesh Shankar, Judge) in a Single Bench being W.P.(C) No. 6137 of 2018 and strong exception was taken to the inaction of the respondents to implement the directions passed by this Court in W.P.(PIL) No. 2944 of 2013 and it was observed that “It is unfortunate that despite the observations of the learned Division Bench made in W.P.(PIL) No. 2944 of 2013, the respondent authorities have once again resorted to the same old practice of occupying the running business premises of the businessmen of Terminal Market Yard, Pandra.

4. Here, it shall also be appropriate to note the stand of the State that the State Government had earmarked the land and the required procedures have been followed for the purpose and the State of Jharkhand shall have its own premises for the election purposes soon. This stand has been reiterated before this Court in paragraph-13 of the counter affidavit filed on behalf of the

respondent nos. 2 and 6 in the instant writ petition, which reads as under:

"13. That it is humbly stated and submitted that despite these reports, efforts are being made by the District Administration for an alternative permanent structure for such purpose. Land has been marked and map has been prepared for the separate permanent structure."

5. This petition was lastly listed six years back on 07.05.2019, therefore, we direct the State to file a status report within four weeks to the following effect:

- i.** The land which has been allocated for the purpose of keeping the ballot papers, strong-room etc;
- ii.** The stage of construction or the date of completion, as the case may be; and
- iii.** The details of the premises that were taken by the State during the last election for the purpose of counting, in addition to the storage of ballot papers and E.V.M machines.

6. List this case on 19.09.2025.

(Tarlok Singh Chauhan, C.J.)

(Rajesh Shankar, J.)

Manish/Ritesh