

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 5675 of 2018

The Federation of Jharkhand Chamber of

Commerce and Industries... .. Petitioner

Versus

The State of Jharkhand and others 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
Mrs. Lavanya Gadodia Mittal, Advocate
For Resp. Nos.1-3: Mr. Mrinal Kanti Roy, G.A.-I
For Resp. Nos.4&5: Mr. Sumeet Gadodia, Advocate
For Resp. No.6: Dr. Ashok Kumar Singh, Advocate
For Resp. No.7: Mrs. Richa Sanchita, Advocate

09/Dated: 19.09.2025

1. On 20th of August 2025 this Court passed the following orders:-

*“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, strongroom 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”

2. In compliance of the aforesaid order, the respondent no.3 filed the supplementary counter affidavit. However, we are really not satisfied with the said affidavit, more particularly, the averments contained in paragraph 6 thereof which reads as under:-

“6. That with regard to the status report of the point aforementioned point (a) and (b) is concerned, it is humbly stated and submitted that for the purposes of keeping the ballot papers and strong room etc., 1 (one) acre of land was allocated at Nagdi Anchal, Mauja Nagdi, Thana No. 122, Khata No. 326, Plot No. 1709 where construction of the building has already been completed by the Building Construction Department, Government of Jharkhand, and the same has been handed over to the Deputy Commissioner-cum-District Election Officer, Ranchi vide letter no. 3492 dated 05.11.2024. It is further stated and submitted that at present EVMs are being stored in the said building but the said premises is not spacious enough for making strongroom-cum-counting hall.

It is further stated and submitted that there is no permanent establishment/ building premises for carrying out the elections in any district in the State. At the time of the Lok Sabha/ Vidhan Sabha Elections, the Election Officer-cum-Deputy Commissioners of the concerned districts using powers enshrined under Sections 160, 162

and 165 of the People Representation Act, 1951 occupy the needful places for carrying out the elections.”

3. Once the respondents had found a piece of land measuring 01 acre at Nagdi Anchal, Mauja Nagdi, Thana No.122, Khata No.326, Plot No.1709, upon which even construction has been raised, we really fail to understand why the building was not designed in such a manner that could be spacious enough for making strongroom-cum-counting hall. After all 01 acre of land cannot be by any means termed to be ‘small’.
4. That apart, why a multistoried building was not constructed which could have taken care of the storage of the ballot papers / strongroom and a separate counting hall could have been carved out.
5. Let supplementary affidavit on behalf of respondent no.3 be filed along with which the copy of the building plan as well as photographs of the same shall be placed on record.
6. List on 17th of October 2025.

(Tarlok Singh Chauhan, C.J.)

(Rajesh Shankar, J.)

September 19, 2025