



IN THE HIGH COURT OF ORISSA AT CUTTACK

ELPET No.27 of 2024

Indramani Bhaisal ***Election Petitioner***

*Mr. R.N. Mohanty,
Advocate*

-versus-

***Jogesh Kumar Singh and
others*** ***Respondents***

*Mr. G. Agarwal, Advocate
(for Respondent no.1 & Election
Commission of India)
Mr. S.P. Mishra, Sr. Advocate, assisted
by Mr. G. Parida, Advocate
(For Respondent No.2)*

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER
02.12.2024

I.A. Nos.43, 45 & 46 of 2024

Order No.
08.

- This matter is taken up through hybrid mode.
2. These applications are dismissed, as not pressed.

(S. K. Mishra)
Judge

I.A. No.39 of 2024

Order No.
09.

1. This application has been filed on behalf of Collector-cum-District Election Officer, Sundargarh by the Additional District Magistrate, Sundargarh-cum-Returning Officer,



09-Sundargarh (ST) Assembly Constituency with a prayer to allow the District Election Officer-cum-Collector, Sundargarh to open the strong room, remove the EVMs and VVPATs for any future election or any other purpose, with a further prayer to allow transportation of EVMs to other States/manufacturing companies or to the warehouse of the Election Commission of India in terms of the norms/guidelines of the Election Commission of India.

2. Though learned Counsel for the Election Petitioner took time to file written objection to the present application, till date no objection has been filed opposing to such prayer.

3. Such a prayer has been made on the ground that the present Election Petition has been filed by the Election Petitioner challenging the election of the Respondent No.1 from Sundargarh-09(ST) Assembly Constituency on the ground that in the affidavit filed by the Respondent No.1 in Form-26 along with his nomination paper, he has made a false declaration with respect to his caste and has submitted false caste certificate.

4. Admittedly, the issue involved in the present Election Petition is not related to EVMs and VVPATs and such an application has been moved in terms of the review meeting of Nodal Officers of EVMs/VVPATs held in presence of the Election Commission of India, vide which the Nodal Officers have been advised to move application before the Courts wherein EVMs/VVPATs are not subject matter, as the EVMs and VVPATs are required by the Election Commission for future use.



5. On perusal of the Election Petition, it is found that the EVMs or counting of votes are not subject matter of challenge in the present Election Petition. Rather, the Election Petition has been filed challenging the election of the Respondent No.1 on the ground that the Respondent No.1, though he is a Non-S.T person, using false caste certificate and representing himself as S.T. person, contested the election and got elected.

6. Hence, the prayer made in the I.A. is allowed. The District Election Officer-cum-Collector, Sundargarh is permitted to open the strong room, remove the EVMs and VVPATs for future election or any other purpose so also permitted to transportation of EVMS to other States/manufacturing companies or to the warehouse of the Election Commission of India as per the norms/guidelines of the Election Commission of India.

7. Accordingly, the I.A. stands disposed of.

8. Urgent certified copy of this order be granted on proper application as per rules.

(S. K. Mishra)
Judge

I.A. No. of 2024

Order No.
10.

1. This I.A. has been filed by the Petitioner/Respondent No.1 in Court praying therein to grant further three weeks' time to file the written statement on the grounds stated therein.



2. Office is directed to register the present I.A. and keep the same on record.
3. Learned Counsel for the Election Petitioner, though has made an endorsement on the said Petition “received with objection”, a query being made, learned Counsel submits, he does not want to file any written objection to the application for further time.
4. In view of the reasons detailed in the application so also submission made by the learned Counsel for the Respondent No-1, prayer made in the I.A. stands allowed.
5. Written Statement be filed on or before the adjourned date after serving copy of the same on the learned Counsel for the Election Petitioner.
6. Accordingly, the I.A. stands disposed of.

(S. K. Mishra)
Judge

I.A. No.78 of 2024

Order No.

11.

1. This I.A. has been filed by the Respondent No.2 praying for six weeks’ time to enable the Respondent No.2 to file the written statement indicating the reasons detailed in the I.A.
2. Apart from the same, learned Counsel for the Election Petitioner submits, he has no objection to such prayer made by the Respondent No.2.
3. Since this application was filed on 28.10.2024 praying therein for six weeks’ time to file written statement, which will expire this week, even though the Election



Petition stands adjourned to 23.12.2024, time to file written statement by the Respondent No.2 is granted till 09.12.2024. Written Statement, if any, be filed on or before 09.12.2024 after serving copy of the same on the learned Counsel for the Election Petitioner.

4. Accordingly, the I.A. stands disposed of.

(S. K. Mishra)
Judge

ELPET No.27 of 2024

Order No.
12.

1. The matter be listed on 23rd December, 2024 for filing of Written Statement by the Respondent No-1 and settlement of issues.

(S. K. Mishra)
Judge

Kanhu