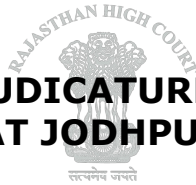




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Civil Writ Petition No. 26293/2026

CNR: RJHC011093832026 | URN: CW / 45600U / 2026

1. Manoj Kumar Godara S/o Shri Viradha Ram, Aged About 31 Years, Resident Of Gram Vadel Nadi, Gram Panchayat Motinagar, Panchayat Samiti Sindhari, Tehsil Sindhari, District Balotra, Rajasthan.
2. Kiran Choudhary W/o Shri Manoj Kumar Godara, Aged About 28 Years, Resident Of Gram Vadel Nadi, Gram Panchayat Motinagar, Panchayat Samiti Sindhari, Tehsil Sindhari, District Balotra, Rajasthan.

----Petitioners

Versus

1. The State Election Commission, Rajasthan, Through Its Secretary, Jaipur, Rajasthan.
2. The District Collector, Balotra, District Balotra, Rajasthan.
3. The Electoral Registration Officer (Panchayat), Sindhari (Sub-Divisional Magistrate, Sindhari), District Balotra, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Mrigraj Singh Rathore with
Mr. Kunal Upadhyay

For Respondent(s) : Mr. Monal Chugh (through VC) for
Mr. Rajesh Panwar, Sr. Adv & AAG.
Mr. Ravindra Jala for
Mr. S.S. Ladrecha, AAG

HON'BLE DR. JUSTICE NUPUR BHATI
Order

REPORTABLE

Reserved on : 18/10/2026 (at 01:00 PM)

Pronounced on : 18/10/2026 (at 10:20 PM)

1. At the outset, it is noted that today is Sunday and a holiday, however, on permission been granted by the Hon'ble the Chief Justice, the matter is being heard today.
2. This writ petition has been filed by the petitioners with the following prayers:

"1] The complete record of pertaining to the electoral roll of Ward No. 02, Gram Panchayat Motinagar, District Balotra may please be called for by the Hon'ble Court.



2] The impugned appellate order dated 15.10.2026 passed by the District Collector, Balotra, in Revenue Appeal No. 09/2026 (Annex. 29) and the order dated 09.10.2026 passed by the Electoral Registration Officer (Panchayat), Sindhari (Annex. 24), may kindly be quashed and set aside;

3] The respondent authorities may kindly be directed to restore/include the names of the petitioners at Serial Nos. 130 and 131 respectively in the electoral roll of Ward No. 02, Gram Panchayat Motinagar, District Balotra, in accordance with law; or, alternatively, to reconsider their claim after affording an effective opportunity of hearing and examining the entire relevant material, within such short and fixed period as this Hon'ble Court may deem appropriate;

4] Any other appropriate writ, order or direction which this Hon'ble Court may deem just and proper may also kindly be issued in favour of the petitioners."

3. Counsel for the respondents submitted that they have instructions to appear and they sought time to file reply, however, upon the urgency shown by the petitioner that as per the schedule, public notification for election under Rule 58, will be published tomorrow i.e. on 19.10.2026, the counsel for the respondents showed willingness to argue the matter without filing the reply.

4. Brief facts of the case are that the petitioners claim to be ordinarily residing at Gram Vadel Nadi, Gram Panchayat Motinagar, District Balotra. Revenue Village Vadel Nadi was constituted separately vide notification dated 26.12.2019 (Annex.1) and was subsequently included within Gram Panchayat Motinagar vide notification dated 21.11.2025. Petitioner No.1 purchased land measuring 0.6472 hectare out of Khasra No.151 through a registered sale deed dated 13.12.2024 (Annex.2). The names of the petitioners were included at Serial Nos.130 & 131 in the draft Panchayat Electoral Roll dated 29.01.2026 for Ward No.02 of Gram Panchayat Motinagar. Upon an objection raised by one Chimaram



regarding the petitioners' ordinary residence, the Electoral Registration Officer passed an order dated 20.02.2026 directing deletion of their names from the electoral roll. Aggrieved thereby, the petitioners preferred Appeal No.01/2026 before the District Collector, Balotra. During the pendency of the appeal, this Court, vide order dated 16.04.2026 passed in S.B. Civil Writ Petition No.7941/2026, directed expeditious disposal of the appeal, taking into consideration the concept of ordinary residence under Section 20 of the Representation of the People Act, 1950. Thereafter, the District Collector, vide order dated 18.05.2026, partly allowed the appeal, set aside the deletion order dated 20.02.2026 and remanded the matter to the Electoral Registration Officer for fresh consideration after affording adequate opportunity of hearing to both sides and examining the relevant documentary evidence and inquiry material. Pursuant to the remand, both sides appeared before the Electoral Registration Officer on 24.08.2026 and submitted their respective responses along with supporting documents. As no final decision was communicated, the petitioners submitted further applications and representations seeking expeditious disposal of the matter. Meanwhile, the Panchayati Raj Election Programme was announced vide press note dated 03.10.2026 (Annex.19), prescribing the schedule for issuance of election notices and subsequent electoral proceedings in different phases. On 07.10.2026 (Annex.21), a fresh local inquiry was directed. The concerned Halka Patwari, referring to the sensitive nature of the matter, expressly requested that the inquiry be conducted through a committee. Nevertheless, an inquiry report dated 08.10.2026 was submitted, recording that the



residential dhani of the petitioners was not found in Khasra No.151 and attributing their residence to Khasra No.150/103 of Revenue Village Sindhari Chousira. The report also recorded geographical coordinates that, according to the petitioners, materially differed from those reflected in the location-related material relied upon by them. Meanwhile, this Court, vide order dated 09.10.2026 (Annex.23) passed in S.B. Civil Writ Petition No.24908/2026, directed the Electoral Registration Officer to decide the matter expeditiously, preferably within two days from the receipt of a certified copy of the order, while considering the statutory concept of ordinary residence. On the same date, the Electoral Registration Officer passed Order No.चुनाव/2026/665 (Annex.22), rejecting the petitioners' claim, substantially relying upon the inquiry report dated 08.10.2026. Upon acquiring knowledge of the said order, the petitioners preferred Revenue Appeal No.09/2026 before the District Collector, Balotra, on 13.10.2026. The petitioners also relied upon photographs dated 14.10.2026 and geographical-location material in support of their claimed residence. The appeal was heard and dismissed on 15.10.2026, whereby the Collector upheld the order dated 09.10.2026. The petitioners have challenged the aforesaid orders, principally contending that the authorities relied upon fresh adverse inquiry material prepared after the earlier hearing without affording them an adequate opportunity to rebut the same; failed to adequately consider their request for a committee-based inquiry; overlooked discrepancies in the geographical particulars; and failed to properly appreciate and reconcile the documentary, electoral and residence-related evidence. The petitioners have



further questioned the independent consideration undertaken by the appellate authority and the application of the statutory test of ordinary residence. The matter is stated to be urgent in view of the notified Panchayati Raj election programme and the restrictions contemplated under Rule 21A of the Rajasthan Panchayati Raj (Election) Rules, 1994, concerning alteration of electoral rolls upon issuance of the relevant election notice. Accordingly, the petitioners have preferred the present writ petition seeking judicial review of the impugned orders dated 09.10.2026 and 15.10.2026, subject to the applicable statutory and constitutional provisions governing the election process.

5. Learned Counsel for the petitioner submitted that the names of the petitioners have been deleted from the electoral roll on the basis of an inquiry report dated 08.10.2026, which was prepared in the absence of the petitioners. It is submitted that the petitioners were neither associated with the inquiry proceedings nor afforded an opportunity to place the relevant facts and documents before the authority conducting the inquiry.

6. Learned counsel for petitioner further submitted that the learned Collector has erroneously applied the provisions of Section 18(2) of the Rajasthan Panchayati Raj Act, 1994. It is submitted that the said provision employs the expression "ordinarily resident" and not "permanent resident". However, the petitioners' appeal has been rejected on the ground that they are not permanent residents of the concerned constituency. It is contended that the authority has thus applied an incorrect legal standard, by importing a requirement of permanent residence which is not contemplated under the aforesaid provision.



7. Learned Counsel for petitioner further submitted that the present writ petition is maintainable in view of Rule 21A of the Rajasthan Panchayati Raj (Election) Rules, 1994. Learned counsel submits that Rule 21A provides that no amendment, transposition or deletion of any entry shall be made, and no direction for inclusion of a name in the electoral roll shall be issued under Rules 20 and 21, after the issuance of the public notice under Rule 23 or Rule 58, as the case may be, and until the completion of elections. Learned Counsel for petitioner has submitted that in the present case, the notification under Rule 58 has not yet been issued and is stated to be scheduled for issuance tomorrow. Learned Counsel for petitioner further submits that, therefore, the statutory restriction under Rule 21A has not yet come into operation and that the present writ petition, seeking redressal of the grievance prior to the commencement of the relevant stage of the election process, is maintainable.

8. Learned Counsel for petitioner submitted that they have approached this Hon'ble Court with utmost promptness and without any delay or laches. It is submitted that the petitioners' appeal was rejected on 15.10.2026, the certified copy of the order was received on 16.10.2026, and the present writ petition was filed on 17.10.2026. The petitioners have, therefore, approached this Hon'ble Court at the earliest available opportunity and cannot be denied relief on the ground of delay or acquiescence.

9. Learned Counsel for petitioner submitted that Article 243-O of the Constitution of India does not, in itself, completely exclude the constitutional jurisdiction of this Hon'ble Court under Article 226. In support of the aforesaid submission, learned counsel



places reliance upon **Sampat Singh v. Election Commission, Rajasthan through Commissioner, Jaipur & Ors., S.B. Civil Writ Petition Nos.851-852, 874, 883 and 994 of 2010**, wherein it was observed that Article 243-O does not bar judicial review by the High Court in the exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. It is, therefore, submitted that the constitutional bar cannot be construed as an absolute ouster of the High Court's jurisdiction.

10. Per Contra, learned counsel for the respondents submitted that the present writ petition is not maintainable in view of the constitutional bar contained under Article 243-O of the Constitution of India. He submitted that the election programme has already been issued on 03.10.2026 and therefore the bar under Article 243-O has come into operation. He further submitted that any interference by this Court at this stage would obstruct and delay the ongoing election process, as the inclusion of the petitioners' names would necessitate the preparation and publication of a revised electoral roll.

11. Learned counsel for the respondents submitted that the right to vote is a statutory right and not a fundamental right. He, therefore, submitted that the petitioners cannot claim an indefeasible right to seek relief under Article 226 of the Constitution of India in relation to their grievance concerning the electoral roll, particularly when the election process has already commenced.

12. Learned counsel for respondent placed reliance upon the order dated 15.10.2026 passed by the Hon'ble Division Bench in the case of **Kanti Lal Vs. State of Rajasthan & Ors.: D.B.**



Special Appeal Writ No.1237/2026, wherein the Division Bench has relied on judgments of Hon'ble Apex Court in **Election Commission of India v. Ashok Kumar, (2000) 8 SCC 216; Lakshmi Charan Sen v. A.K.M. Hassan Uzzaman, (1985) 4 SCC 689**; and **Anugrah Narain Singh v. State of U.P., (1996) 6 SCC 303**, and declined to interfere with the election process so as to hinder it while dismissing the stay application.

13. Learned counsel for the respondents further submitted that the petitioners do not satisfy the requirement of ordinary residence contemplated under Section 18 of the Rajasthan Panchayati Raj Act, 1994. He placed reliance upon Explanation (ii) to the said provision, which stipulates that a person shall not be deemed to be ordinarily resident in a ward or constituency merely on the ground that he owns or is in possession of a dwelling house therein. He submitted that the petitioners rely upon the purchase of land in the concerned constituency, which, by itself, is insufficient to establish that they are ordinarily resident therein. He, therefore, submitted that mere ownership of land cannot confer upon the petitioners the requisite status of ordinary residents for the purpose of inclusion in the electoral roll.

14. Learned counsel for the respondents further submitted that the procedure prescribed under Rule 14 of the Rajasthan Panchayati Raj (Election) Rules, 1994, has been duly followed, inasmuch as notice was served upon the petitioner and an opportunity of hearing was afforded to him before passing the impugned order.

15. Heard learned counsel for the parties and have perused the material available on record.



16. The first and foremost question that arises for consideration before this Court is whether, in the facts and circumstances of the present case, any indulgence can be granted to the petitioners after publication of the election programme on 03.10.2026. The issue requires consideration in the light of the constitutional scheme governing elections to Panchayati Raj Institutions, particularly Article 243-O of the Constitution of India, which seeks to ensure that the electoral process is not interrupted by judicial proceedings. The object underlying the said provision is to secure the timely completion of elections and to channelise election-related disputes through the remedies prescribed by law. Consequently, once the election programme has been notified, the Court is required to exercise its extraordinary jurisdiction with due circumspection and to examine whether the relief sought would interfere with, impede or delay the ongoing election process.

17. Learned counsel for the petitioners has placed reliance upon Sampat Singh (supra), in support of the contention that Article 243-O does not completely exclude the jurisdiction of this Court under Article 226 of the Constitution of India. The judgment passed in the case of Sampat Singh (supra) is distinguishable on facts. In the case of Sampat Singh (supra), the grievance pertained to the absence of notice and no opportunity of hearing being afforded before the impugned action was taken.

18. From the present case, it is seen from the documents on record that upon complaint being filed the authority issued notice dated 17.08.2026 (Annex.14) to the petitioners while giving an opportunity of hearing to them before the competent authority proceeded to decide their claim. The factual circumstances of the



two cases are, therefore, materially different. Accordingly, the aforesaid judgment is distinguishable from the present matter. The relevant paragraphs of the judgment in Sampat Singh (supra), are reproduced hereinafter:



“25. In Sampat Singh and Kan Singh's case(supra), admittedly the petitioners were registered voters of Jaitaran Legislative Constituency and they were also holding the voters identity card issued by the Election Commission of India and their names also appeared in the final electoral rolls of Panchayat Circle, Moharai published in accordance with the Rules. From a perusal of the objection filed by Jabbar Khan objecting the inclusion of the name of Sampat Singh it does not transpire that the objector is a registered voter of any ward of Panchayat Circle, Moharai. Similar is the position with regard to Shiva Ram on whose objection, the name of petitioners Kan Singh and Smt. Kavan have been deleted from the electoral rolls of Ward No.10 of panchayat circle, Moharaj. Be that as it may, no evidence was produced by the objectors in Support of the objections raised so as to establish that the petitioners are registered as voters in the election rolls of Moharaj Legislative Constituency. On what information collected the report of Patwari is based is also not disclosed. Moreover, the objection has been accepted by the Electoral Registration Officer in most perfunctory manner by passing a non speaking order, as noticed above. It is true that the Electoral Registration Officer is entitled to make interim alteration in the electoral rolls in terms of Rule 20 of the Rules but then, while entertaining an objection and deleting the name of an existing voter from the electoral rolls, fair opportunity should be afforded to the person affected and a proper inquiry should be conducted to verify the correctness of the objection raised. No such exercise appears to have been taken by the Electoral Registration Officer and the names of the petitioners have been deleted in perfunctory manner vide order dated 6.1.10 when the elections are scheduled to commence on 7.1.10. Strangely enough, in defiance of the provisions of Rule 20(1), no notice was served upon the petitioners against the action proposed to be taken in terms of Rule 20 of the rules. Thus, the entire proceedings taken by the Electoral Registration Officer does not inspire confidence, the finding arrived at is ex facie perverse and the orders impugned passed in gross violation of the provisions of the Rules and the principles of natural Justice deserve to be quashed and set aside.



26. In Ganpat Singh's case (supra) the name of the petitioner has been deleted on the basis of objection raised by one Sagar Nath, a notice was pasted on the notice board of Tehsil, Jalore Gram Panchayat, Danura and S.D.M. Office, Jalore on 23.12.09, but admittedly, no notice was served upon the petitioner personally and, therefore, the order impugned passed without giving a reasonable opportunity of hearing to the petitioner in defiance of mandate of Rule 20(1) of the Rules and in gross violation of elementary principle of natural justice, deserves to be quashed and set aside.

27. In Smt. Sushila Verma's case(supra) also, from the material placed on record by the respondents, it does not transpire that before passing the order impugned accepting the objection raised and deleting the name of the petitioner from the electoral rolls, she was never served with the notice by the Electoral Registration Officer. It is not disputed before this court that while deleting the name of the petitioner from the electoral rolls, no speaking order was passed by the Electoral Registration Officer. There is nothing on record to show that any inquiry worth the name was ever conducted by the Electoral Registration Officer so as to ascertain the correctness of the objection raised. In this view of the matter, for the parity of the reasons detailed supra, the order impugned passed in Sushila Verma's case also deserves to be quashed and set aside."

19. This Court takes into consideration the judgment passed in ***Babu Singh and Others v. State of Rajasthan & Ors.:SBCWP No.24123/2026***, decided on 09.10.2026, wherein the question of judicial interference in electoral matters after publication of the election programme was considered in the context of Article 243-O of the Constitution of India. Upon consideration of the constitutional scheme and the judicial precedents governing electoral disputes, declined to grant indulgence to the petitioners, the Court emphasized that the object underlying the said provision is to ensure the uninterrupted completion of elections in accordance with the notified schedule, as interference at an intermediate stage may have a cascading effect upon the subsequent stages of the electoral process and delay the



constitution of the elected body. The relevant paragraphs of the judgment Babu Singh (supra), are reproduced hereinafter:

“20. The rationale underlying this constitutional restriction is to ensure that elections are conducted and concluded in accordance with the notified schedule, without being interrupted by successive judicial proceedings at intermediate stages. The electoral process is an integrated exercise comprising several interdependent stages, and interference at any one stage may have a cascading effect on the subsequent stages, thereby delaying the constitution of an elected body and undermining the continuity of democratic governance. The constitutional scheme, therefore, ordinarily requires disputes concerning the legality of an election to be raised through the prescribed electoral remedy rather than by proceedings which may obstruct the ongoing process. At the same time, the applicability of the constitutional bar must be determined with reference to the nature of the challenge and the relief sought, rather than merely by reference to the date on which the writ petition is considered.

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22. The publication of the election programme is a significant stage in the electoral process. Once the competent election authority has notified the schedule and the machinery for conducting the election has been set in motion, judicial interference which has the effect of altering the notified electoral arrangements or disrupting the prescribed timetable must be approached with considerable restraint. In the present case, the election programme dated 03.10.2026 prescribes the successive stages of the electoral process, including the issuance of the public notice, filing of nomination papers, scrutiny, withdrawal of candidature and publication of the list of contesting candidates.

23. The aforesaid principle finds authoritative expression in the Constitution Bench judgment of the Hon’ble Supreme Court in N.P. Ponnuswami v. Returning Officer, Namakkal Constituency, AIR 1952 SC 64, decided on 21.1.1952, While interpreting Article 329(b) of the Constitution, the Hon’ble Supreme Court examined the meaning of the expression “election” and held that it encompasses the entire process commencing with the steps leading to the election and culminating in the declaration of the result. The Court emphasised that electoral disputes should ordinarily not be permitted to interrupt the ongoing process and that controversies capable of being raised through the prescribed election remedy should be adjudicated after





completion of the election. The relevant observations of the Hon'ble Supreme Court are reproduced below:

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10. As we have seen the most important question for determination is the meaning to be given to the word "election" in article 329(b). That word has by long usage in connection with the process of selection of proper representatives in democratic institutions, acquired both a wide and a narrow meaning. In the narrow sense, it is used to mean the final selection of a candidate which may embrace the result of the poll when there is polling or a particular candidate being returned unopposed when there is no poll. In the wide sense the word is used to connote the entire process culminating in a candidate being declared elected.

11. In *Srinivasalu v. Kuppuswami* (1928) A.I.R. Mad. 253 at 255, the learned Judges of the madras High Court after examining the question, expressed the opinion that the term "election " may be taken to embrace the whole procedure whereby an "elected member" is returned, whether or not it be found necessary to take a poll. With this view, my brother, Mahajan J expressed his agreement in *Sat Narain v. Hanuman Prasad* (1945) A.I.R. Lah. 85; and I also find myself in agreement with it.

12. It seems to me that the word "election" has been used in Part XV of the Constitution in the wide sense, that is to say, to connote the entire procedure to be gone through to return a candidate to the legislature. The use of the expression "conduct of elections" in article 324 specifically points to the wide meaning, and that meaning can also be read consistently into the other provisions which occur in Part XV including article 329(b). That the word 'election' bears this wide hat in most of the books on the subject and in several cases dealing with the matter, one of the questions mooted is, when the election begins.

13. The subject is dealt with quite concisely in Halsbury's Laws of England in the following passage under the heading "Commencement of the Election".

"Although the first formal step in every election is the issue of the writ, the election is considered for some purposes to begin at an earlier date. It is a question of fact in each case when an election begins in such a way as to make the parties concerned responsible for breaches of election law, the test being whether the





contest is "reasonably imminent". Neither the issue of the writ nor the publication of the notice of election can be looked to as fixing the date when an election begins from this point of view. Nor, again, does the nomination day afford any criterion. The election will usually begin at least earlier than the issue of the writ. The question when the election begins must be carefully distinguished from that as to when "the conduct and management of" an election may be said to begin. Again, the question as to when a particular person commences to be a candidate is a question to be considered in each case."

The discussion in this passage makes it clear that the word "election" can be and has been appropriately used with reference to the entire process which consists of several stages and embraces many steps, some of which may have an important bearing on the result of the process.

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25. The conclusions which I have arrived at may be summed up briefly as follows :

(1) Having regard to the important functions which the legislatures have to perform in democratic countries, it has always been recognized to be a matter of first importance that elections should be concluded as early as possible according to time schedule and all controversial matters and all disputes arising out of elections should be postponed till after the elections are over, so that the election proceedings may not be unduly retarded or protracted.

(2) In conformity with this principle, the scheme of the election law in this country as well as in England is that no significance should be attached to anything which does not affect the "election"; and if any irregularities are committed while it is in progress and they belong to the category or class which, under the law by which elections are governed, would have the effect of vitiating the "election " and enable the person affected to call it in question, they should be brought up before a special tribunal by means of an election petition and not be made the subject of a dispute before any court while the election is in progress.

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24. The constitutional scheme governing Panchayat elections is independently protected by Article 243-O, which is directly applicable to the controversy at hand. Consequently, the





conclusion in the present case does not rest merely upon an extension of the principle laid down in N.P. Ponnuswami (supra) from elections to Parliament and State Legislatures to elections to Panchayats. It rests principally upon the express constitutional restriction applicable to Panchayat elections and the requirement that a challenge falling within its ambit be pursued through the remedy prescribed by law.

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38. Applying the aforesaid principles to the facts of the present case, this Court finds that the election programme was published on 03.10.2026 and that the petitioners seek reconsideration of the allotment of seat for the ensuing Panchayat election. The relief sought would necessarily entail judicial examination and potential alteration of the reservation arrangement governing the election after commencement of the electoral process. Such interference, in the circumstances of the present case, would be inconsistent with the constitutional scheme embodied in Article 243-O and the principle that electoral disputes must ordinarily be raised through the remedy prescribed by election law.

39. It is clarified that the Court has not examined the correctness of the population ratio alleged by the petitioners to be erroneous, nor has expressed any opinion on the merits of the allotment of the seat. The question whether the reservation/allotment of seats has been determined in accordance with the applicable statutory provisions and relevant population data is distinct from the question of whether such a challenge can be entertained by this Court after publication of the election programme. The present decision is confined to the latter question.

40. In view of the foregoing discussion, this Court is of the considered opinion that the present writ petitions, insofar as it seeks judicial interference with the allotment of the seat for the ensuing Panchayat election after publication of the election programme dated 03.10.2026, is not maintainable at this stage. Accordingly, without expressing any opinion on the merits of the petitioners' grievance concerning the alleged error in the population ratio or the correctness of the reservation arrangement, the present writ petitions are dismissed as not maintainable at this stage in view of the constitutional scheme embodied in Article 243-O of the Constitution of India."

20. Aggrieved by the aforesaid judgment, an appeal was preferred before the Hon'ble Division Bench in **Kanti Lal v. State of Rajasthan & Ors.: D.B. Special Appeal Writ**





No.1237/2026. Vide order dated 15.10.2026, the Hon'ble Division Bench in Kanti Lal (supra), reiterated the principle that, once the election process has commenced, the High Court must exercise caution in granting relief which may interrupt, impede, delay or postpone the elections. The aforesaid decisions underscore the importance of preserving the continuity of the electoral process and of avoiding judicial orders that may have the effect of derailing an election already set in motion. The Hon'ble Division Bench, applying the aforesaid principles, declined to grant interim relief which would hinder the election process and the stay application was dismissed. The relevant paragraphs of the order passed in Kanti Lal (supra), are reproduced hereinafter:

“6. This Court finds that, in the present case, the election of the Gram Panchayats in the State of Rajasthan is scheduled. The delimitation exercise was challenged before this Court and a detailed order was passed in the case of Sheela Kumari vs. State of Rajasthan (D.B. Civil Writ Petition No.7718/2025), and a timeline for holding the elections was fixed. The matter was carried to the Hon'ble Apex Court, where the SLPs were dismissed, the State having given an undertaking to conclude the elections by 15.04.2026. Thereafter, the Division Bench in Girraj Singh Devanda v. State of Rajasthan (D.B. Civil Writ Petition (PIL) No.1285/2025), on an application of the State, extended the timeline to conclude the elections on or before 15.11.2026.

7. The notification under Rule 23 is issued subject to the general directions of the Commission. The election programme for the ensuing Panchayat elections for the entire State of Rajasthan has been published by the State Election Commission on 03.10.2026, setting the election process in motion. The election process for the Gram Panchayats is in progress and, as per the scheduled programme, is to be concluded by 17.11.2026.

8. The Hon'ble Apex Court in Election Commission of India v. Ashok Kumar, (2000) 8 SCC 216; Lakshmi Charan Sen v. A.K.M. Hassan Uzzaman, (1985) 4 SCC 689; and Anugrah Narain Singh v. State of U.P., (1996) 6 SCC 303, has clearly held that where elections are imminent, the High Court while exercising its



powers under Article 226 of the Constitution of India, should be cautious and refrain from passing orders that may interrupt, delay or postpone the election process. The bar contained in Article 243-O of the Constitution also serves this object.

9. In view of the above, this Court is not inclined to interfere with the election process so as to hinder it. Accordingly, no interim order is called for, and the stay application stands dismissed.

10. However, considering the legal grounds raised regarding the maintainability of the writ petition, the appeal deserves admission.”

21. This Court also takes into consideration the judgment passed by the coordinate bench in case of ***Kuldeep Kumar Vs. State of Rajasthan and Ors.: S.B. Civil Writ Petition No.17875/2026***, wherein the petitioner had contended that his name, which appeared in the earlier electoral roll, had subsequently been deleted from the revised electoral roll without justification and without affording him an opportunity of hearing. The coordinate bench declined to grant the relief sought, having regard to the fact that the election programme for the forthcoming municipal elections had already been notified by the Rajasthan State Election Commission and the dates for conducting the elections had been declared. The relevant paragraphs of the judgment in Kuldeep Kumar (supra) are reproduced hereinafter:

“5. The matter pertains to casting of vote in the forthcoming Municipal Elections for which a detailed election program has already been issued by the Rajasthan State Election Commission, wherein dates for conducting municipal elections in the State of Rajasthan have been declared. The election schedule has been notified as per the program. The last date for filing the nomination was 31st July, 2026 and the entire election process would schedule to commence from 27.08.2026 and be completed by 29.09.2026.

6. The Hon'ble Apex Court in the case of N.P. Ponnuswami v. Returning Officer, Namakkal Constituency and Ors., reported in (1952) 1 SCC 94; and Mohinder Singh Gill vs. Chief Election Commissioner, New Delhi, reported in (1978) 1 SCC 405, has





held that once the election process has been initiated, upon issuance of the election program by the Election Commission, there can be no interference by the Court in the election schedule.

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9. Considering the above settled proposition of law as laid down by the Apex Court in the above noted cases, this Court is of the considered opinion that upon declaration of the election program by the State Election Commission, the election process has been initiated. Hence, the bar contained under Article 243-ZG of the Constitution of India comes into operation automatically.

10. The grievance raised by the petitioner cannot be adjudicated by this Court, in the light of the judgment passed by the Apex Court in the above noted cases, at this stage after the election process has been initiated.

11. On this count alone the instant writ petition is liable to be and is hereby rejected. The stay application and all pending applications, if any, also stand rejected.”

22. This Court further takes into consideration the judgment passed by the coordinate Bench in ***Satyanarayan and Ors. Vs. State Election Commission and Ors.: S.B. Civil Writ Petition No. 17867/2026***, decided on 03.09.2026, wherein the grievance raised by the petitioner pertained to the deletion of his name from the electoral roll and the coordinate Bench, in the facts and circumstances of the said case, declined to interfere with the impugned action. The relevant paragraphs of the judgment in *Satyanarayan* (supra), are reproduced hereinafter:

“9. It has been apprised at Bar that the State Election Commission has declared the election programme by issuing the notification, which indicates that the election process would commence from 27.08.2026 and would be completed by 29.09.2026.

10. Hon'ble Apex Court in the case of N.P. Ponnuswami (supra) has held that once the election process has been initiated upon issuance of election program by the Election Commission, there can be no interference by the Court in the election schedule.

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11. Similar observations have been taken by the Hon'ble Apex Court in the case of Mohinder Singh Gill (supra), wherein above principle has been reiterated, particularly in para number 29, which reads as under:

"29. Thus, there are two types of decisions, two types of challenges. The first relates to proceedings which interfere with the progress of the election. The second accelerates the completion of the election and acts in furtherance of an election. So, the short question before us, in the light of the illumination derived from Ponnuswami, is as to whether the order for re-poll of the Chief Election Commissioner is 'anything done towards the completion of the election proceeding' and whether the proceedings before the High Court facilitated the election process or halted its progress. The question immediately arises as to whether the relief sought in, the writ petition by the present appellant amounted to calling in question the election. This, in turn, revolves round the point as to whether the cancellation of the poll and the reordering of fresh poll is 'part of election' and challenging it is 'calling it in question.'"

12. Considering the aforesaid proposition of law as laid down by the Apex Court in the above noted cases, this Court is of the considered view that upon declaration of the election programme by the Rajasthan State Election Commission, the election process has been initiated and the bar contained under Article 243-ZG of the Constitution of India comes into operation automatically.

16. In view of the above, this Court cannot interfere with the election process after its declaration and publication, in terms of the bar contained under Article 243-ZG of the Constitution of India."

23. Therefore, upon consideration of the above judicial pronouncements referred to hereinabove, this Court is of the view that the stage at which the present writ petition has been instituted is a material consideration in determining whether the relief sought can be granted. The election programme was published on 03.10.2026 and any direction for inclusion of their names at this stage would require consequential action by the election authorities and may necessitate alteration of the electoral





roll after publication of the election programme. Such intervention carries the potential to affect the subsequent stages of the election and, in the circumstances of the present case, would be inconsistent with the principle of judicial restraint governing interference in an ongoing electoral process.

24. The reliance placed by learned counsel for the petitioners upon Sampat Singh (supra) does not alter this conclusion, having regard to the factual distinction noticed hereinabove, this Court is conscious that the constitutional jurisdiction under Article 226 cannot be construed as having been altogether extinguished in every matter concerning elections merely upon publication of an election programme. Nevertheless, the exercise of such jurisdiction must be guided by the constitutional limitations applicable to electoral disputes, the stage of the election process and the effect that the relief sought may have upon its uninterrupted completion.

25. In view of the aforesaid considerations, and having regard to the principles laid down in the judgments referred to hereinabove, this Court does not find it appropriate to grant the relief sought by the petitioners at this stage.

26. The writ petition is, accordingly, dismissed. There shall be no order as to costs. Pending application(s), if any, also stand disposed of accordingly.

(DR.NUPUR BHATI),J

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Sumit Sharma