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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010486872026**

\+ W.P.(C) 14955/2026, CM APPL. 70130/2026 & CM APPL. 70131/2026

NILOTPAL DATTA & ANR. .....Petitioners

Through: Petitioner No.1-in-person.

versus

ELECTION COMMISSION OF INDIA & ORS. .....Respondents

Through: Mr. Sanjay Vashishtha, Std.Counsel with Mr. Siddhartha Goswami, Mr. Ashish Shukla & Mr. Aditya Sachedeva, Advocates for ECI.
Mr. Farman Ali, CGSC for UOI.

CORAM:
HON'BLE MR. JUSTICE DINESH MEHTA
HON'BLE DR. JUSTICE ADITI CHOUDHARY

O R D E R

% **14.10.2026**

1. The present writ petition has been filed with the following prayers:

"A. issue an appropriate writ, order or direction, including a writ in the nature of certiorari, quashing Paragraph 4(c) of Annexure B to Election Commission of India Order No. 23/ERS/2025 dated 24.06.2025, as made applicable to the NCT of Delhi vide ECI Letter No. 23/2025-ERS (Vol. II) dated 14.05.2026, as being ultra vires the Representation of the People Act, 1950, the Registration of Electors Rules, 1960 and

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violative of Fundamental Rights enshrined under the Constitution of India;

B. issue an appropriate writ, order or direction, including a writ in the nature of mandamus, directing Respondent No. 1 to recast the procedure governing existing electors who could not be enumerated during the SIR, in conformity with the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960, so as to preserve the statutory procedure for correction and transposition of their existing electoral entries, including through Form 8, instead of requiring them to seek fresh inclusion through Form 6;

C. issue an appropriate writ, order or direction, including a writ in the nature of mandamus, directing Respondents to restore Petitioners electoral entries in the current electoral roll in accordance with Rule 21 of the Registration of Electors Rules, 1960, simultaneously with the correction and transposition of the said entries in accordance with law in terms of Prayer D;

D. issue an appropriate writ, order or direction, including a writ in the nature of mandamus, directing Respondents, simultaneously with restoration of Petitioners' electoral entries in terms of Prayer C, to permit and process Petitioners applications for shifting of residence in Form 8 under Rule 13(3) of the Registration of Electors Rules, 1960, and to transpose the said entries to the relevant part of the electoral roll corresponding to Petitioners present place of ordinary

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residence;

E. issue an appropriate writ, order or direction, including a writ in the nature of mandamus, directing Respondents to give effect to the restoration and transposition of Petitioners electoral entries in terms of Prayers C and D in the electoral roll as finally published, in accordance with Rule 22 of the Registration of Electors Rules, 1960;"

2. The petitioners' grievance is that when enumeration forms were being filled, they could not fill the form as they had shifted from the old address and consequently their names got deleted from the electoral.

3. Mr. Sanjay Vashishtha, learned Standing Counsel appearing for ECI submitted that if the petitioners are genuinely concerned for redressal of their grievance, the same can be redressed if they choose to fill/furnish Form 6 prescribed under Rule 25(2) read with Rule 13(1)(a) of Registration of Electors Rules, 1960.

4. He submitted that even on the previous date of hearing, he had requested the petitioner no.1 to fill the Form and even assured that the Electoral Registration Officer would extend assistance, but the petitioners have chosen not to do so for the reasons best known to them.

5. Contorverting this submission, the petitioner no.1 appearing in person submitted that if they furnish a Form 6, it would be a false declaration.

6. Having heard learned counsel for the parties, we are of the considered opinion that when the suggestion is coming from the learned standing counsel appearing for ECI, that too as per the instructions of the Electoral Registration Officer, petitioner no.1's apprehension that he would be accused of furnishing

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a false declaration is misplaced.

7. With these observations, the writ proceedings are closed. Petitioners, if so desire, may fill Form 6, which shall be processed in accordance with law.

8. The interlocutory applications stand disposed of.

DINESH MEHTA, J.

ADITI CHOUDHARY, J.

OCTOBER 14, 2026/*nk*

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