

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, son of Sri Tilakraj Ajmani, aged about 35 years, Resident of Bansal Plaza, 401 to 504, Block 'C', Station Road, near Baba Ramdev Ashram, P.O.-Doranda, P.S. Chutia, Town and District Ranchi

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Versus

1. The State of Jharkhand
2. The Chief Secretary, Government of Jharkhand, Project Building, P.O. Dhurwa, P.S. Jagganathpur, District Ranchi
3. The Deputy Commissioner, Ranchi, P.O. G.P.O, Ranchi, P.S. Kotwali, District Ranchi
4. The State Election Commission, Jharkhand, near New Market, Ratu Road, P.O and P.S. Sukhdeo Nagar, District Ranchi
5. The State Election Commissioner, State Election Commission, Jharkhand, near New Market, Ratu Road, P.O and P.S. Sukhdeo Nagar, District Ranchi
6. Agriculture Produce Marketing Committee, Pandra Market, Ratu Road, P.O & P.S. Ratu Road, Ranchi
7. The Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi

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CORAM:

Hon'ble The Chief Justice
Hon'ble Mr. Justice Rajesh Shankar

- For the Petitioner: Mr. Salona Mittal, Advocate
Mrs. Lavanya Gadodia Mittal, Advocate
Mr. Yashdeep Kanhai, Advocate
Mr. Arya Vardhan Singh, Advocate
Ms. Divya Choudhary, Advocate
Mr. Sourav K. Jha, Advocate
- For the Resp.-State: Mr. Mrinal Kanti Roy, G.A-I
Mr. Abhinay Kumar, A.C to G.A-I
- For the Resp. No. 4 & 5: Mr. Sumeet Gadodia, Advocate
Mrs. Shilpi Sandil Gadodia, Advocate
Mr. Prakhar Harit, Advocate
- For the Resp. No. 6: Dr. Ashok Kumar Singh, Advocate
Mr. Sharon Toppo, Advocate
- For the Resp. No. 7: Mrs. Richa Sanchita, Advocate
Ms. Rishita Singh, Advocate

13 / 22.01.2026 Heard learned counsel for the parties.

2. With the consent of and at the request of the learned counsel for the parties, we dispose of this PIL after hearing the learned counsel for the parties.

3. Petitioner complains that despite several orders made by this court from time to time, the Terminal Market Yard, Pandra, Ranchi is insisted upon being

occupied and used for keeping Electronic Voting Machines (EVM), setting up counting centres and other election related activities for all central and local elections, thereby temporarily evicting/dislocating the petitioners' Members, who have been carrying on their businesses as shopkeepers or godown keepers at the yard for last several years.

4. Petitioner contends that such disruption of their businesses and business activities is without authority of law, and since this practice is continuing despite several orders made by this court, it amounts to high-handed action on the part of the Respondents. The petitioner has pointed out that their members are primarily small shopkeepers or godown owners, and disruption of their business activities severely affects them and their livelihood. Learned counsel pointed out that several people rely upon the business carried out by the petitioners' Members through the market yard, and the interests of several people are also affected on account of such highhanded actions of the Respondents.

5. Pursuant to several orders made in this petition itself, Mr Vivek Kumar Suman, Deputy Election Officer, Ranchi, has filed an affidavit on 06th January, 2026. In paragraph 7 of this affidavit, there is a reference to some correspondence followed by a statement that only autonomous colleges in the respective districts are being used for the purposes of counting of votes and strong rooms. In paragraph-8, there is a statement that answering Respondents are *“well aware and much vigilant to the earlier orders passed by the Hon'ble Court in the instant matter as well as the order dated 11.12.2018 passed in W.P (C) No. 6137 of 2018”*. This paragraph proceeds to state that the answering Respondent vide letter no. 587(ii) dated 19.12.2025 constituted a three-member committee for spot verification of the places selected / recommended for the construction of strong rooms and for the counting of votes in the upcoming elections. In paragraph-9 of the affidavit, there is a statement that the answering

Respondents are acting vigilantly and inspecting several premises which have been pointed out in Annexure-SCA/III and after due verification, one prominent premises / spot will be selected, and in the upcoming elections, the selected premises / spot will be used for carrying out the election duties and works.

6. To the above affidavit, is annexed the communication SCA/III, which refers to about five premises/spots recommended by the committee. These do not include the market yard at Pandra, Ranchi. Learned counsel for the petitioner points out that the affidavit of 06th January, 2026, does not contain any categorical statement that, hereafter, the market yard at Pandra will not be disrupted and used for election purposes.

7. Although there is no categorical statement, the tenor of the affidavit leads us to believe that there is no proposal to utilise the market yard at Pandra for election purposes. This is more so because the affidavit, in paragraph-8, categorically states that “*the answering Respondents are well aware and much vigilant of the earlier orders passed by this Court in the instant matter, as well as the order dated 11.12.2018 passed in W.P (C) No. 6137 of 2018*”, to which, incidentally, one of us (Hon’ble Mr. Justice Rajesh Shankar) was a party. In fact, His Lordship authored the said order.

8. The order dated 11.12.2018 squarely concerned the market yard at Pandra. Therefore, if the answering Respondents claim that they are well aware and much vigilant of the earlier orders, including the order dated 11.12.2018 passed in W.P(C) No. 6137/2018, it is obvious that they will not, in defiance of the directions contained in the said order, or the letter and spirit of the said order, continue to insist upon using the market yard at Pandra for election purposes, thereby disrupting the business activities of the petitioners’ Members, who are small shopkeepers and godown keepers in those premises.

9. Assuming that there is any ambiguity in the affidavit filed by the Deputy Election Officer, Ranchi, we now clearly direct the Respondents not to utilise the market yard at Pandra, Ranchi, for any election purposes, thereby disrupting the business activities. This is because of the previous directions issued by this court in its several orders, the earliest of which is the order of the Division Bench of this Court dated 03rd February, 2015, in W.P (PIL) No. 2944/2013. This order was later followed by the learned single Judge (Hon'ble Mr Justice Rajesh Shankar) in the order dated 11.12.2018, passed in W.P. (C) No. 6137/2018. This order was reiterated by the Division Bench in other matters, including those made in the present petition as well.

9. In the present petition, the State has submitted that a full-fledged building was constructed for the storage of EVMs. However, thereafter, a stance was taken that these premises are insufficient. Coordinate Benches of this Court, through several orders made in this petition itself, have expressed surprise as to how such a large building could be insufficient and further, how such a large building was constructed without a proper assessment of the present and future requirements.

10. Be that as it may, the records disclose that despite previous directions, Respondents have been insisting upon using the market yard premises at Pandra, Ranchi, for the purposes of storing EVMs and for counting of votes, thereby completely disrupting the business activities of the petitioners' Members who are small shopkeepers and godown keepers for several days. Since the orders made by this court from time to time have not been challenged by the State Government, their implementation cannot be frustrated, as has been done over the last seven to eight years, by giving assurances to this Court that alternate premises are being identified or even constructed.

11. Now the affidavit states that a Committee has been constituted to scout for alternate premises, and about five premises have been recommended by the

District Election Officer to the Committee. Thus, it is submitted that the process of identifying the alternative premises is ongoing. We are sorry to note that this process has been ongoing for the last five to six years, perhaps only to avoid compliance with the clear and categorical directions issued by this court from time to time. Taking the stance that this identification process is ongoing, there is insistence on utilising the market yard premises at Pandra in Ranchi for every election.

12. Considering that this was a matter of elections, which are always matters of State and National importance, no precipitative orders were passed by this Court, nor was any contempt action initiated against the officer for defying the orders of this Court. This, unfortunately, appears to be perceived as a weakness of this Branch. The indulgence shown was certainly not weakness, but it was out of regard for practical and pragmatic considerations. This Court also felt that some reasonable time should be granted to make alternative arrangements.

13. Unfortunately, for the last six to seven years, the State has made no serious efforts to make alternate arrangements, possibly on account of the impression that no precipitative orders would be made by this Court, once the elections are announced and a situation of '*fait accompli*' is presented before the Court. This time, the petitioner has approached the Court well in advance. Therefore, we repeat our orders and, without mincing any words, direct the Respondents not to utilise the market yard premises at Pandra, Ranchi, for election purposes, thereby disrupting the business activities therein. As it is, the affidavits filed before us do not identify this market yard at Pandra.

14. If the State Government's claim that serious steps are being taken to identify the alternate premises is correct, then we see no difficulty whatsoever if this process is taken to its logical conclusion. In any event, this is a matter for the State Government and the Election Commissioner to sort out. The entire

burden cannot be placed upon the petitioner and its members, who are small-time shop / godown keepers operating from the yard.

15. Considering the apparent breaches in the past, we direct that the Chief Secretary, State of Jharkhand, the State Election Commissioner, and the Chief Electoral Officer shall be jointly and severally responsible for implementing the directions we have now issued regarding the non-utilisation of the market yard premises at Pandra, Ranchi, for election purposes. If there is any breach, these officers will be held responsible. We are forced to issue this direction because there is a tendency to pass the buck to junior officers such as Election Officers, Deputy Election Officers, etc., who, on many occasions, prefer to obey the directions of their immediate superiors rather than the Courts. This is again under the misimpression that the Court would not hold them in contempt, whereas they are answerable to their immediate superiors each day.

16. We dispose of this petition in accordance with the above directions. We refrain from imposing any costs on this occasion, with the fond hope that the petitioner is not forced to approach this Court once again for the implementation of our earlier orders, which continue to bind the Respondents, and for the implementation of this order.

(M.S. Sonak, C.J)

(Rajesh Shankar, J)

January 22, 2026

Ranjeet/R. Kr.
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