



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL
HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY
31st July, 2026
WRIT PETITION (M/B) NO. 1116 OF 2025

Mohani Devi

...Petitioner

Versus

State of Uttarakhand and others.

...Respondents

Counsel for the petitioner	: Sri D.S. Mehta, learned counsel.
Counsel for the respondents	: Sri G.D. Kandpal, learned Additional Advocate General with Sri Rajeev Singh Bisht, learned Deputy Advocate General for the State of Uttarakhand. Ms. Ridhi Joshi, learned counsel holding brief of Sri Shobhit Saharia, learned counsel for respondent No. 2. Sri Devashish Rana, learned counsel holding brief of Sri Sanjay Bhatt, learned counsel for respondent Nos. 3 & 4.

JUDGMENT : (PER: SRI MANOJ KUMAR GUPTA, C.J.)

1. The present writ petition has been filed challenging the election of respondent No. 5 as Gram Pradhan of Village Bungidhar, Tehsil Bhikiyasain, District Almora, Uttarakhand. The petitioner has prayed for a writ of mandamus commanding the respondent Authorities to declare the election of respondent No. 5 as illegal, void, and unconstitutional and in violation of the Representation of Peoples Act and the Uttarakhand Panchayat Raj Act, and for holding enquiry against respondent No. 5.



2. Respondent No. 5 was declared elected as Gram Pradhan of Village Bungidhar, Tehsil Bhikiyasain, District Almora, Uttarakhand in the panchayat elections held in the year, 2025.
3. The case of the petitioner is that respondent No. 5 is registered as a voter from two different Constituencies, namely (1) Bungidhar and (2) Sarojininagar, Lucknow. It is stated that likewise, there were 62 other voters, who were also registered as voters in other Constituencies. This, according to the petitioner, is not permissible as per Section 9(7) of the Uttarakhand Panchayati Raj Act, 2016 as well as the provisions of the Representation of Peoples Act.
4. Learned Additional Advocate General for the State of Uttarakhand as well as learned counsel for respondent No. 5 submits that the instant petition, under Article 226 of the Constitution of India, is barred by Article 243-O(b) of the Constitution, read with Section 131-H(1) of the Uttarakhand Panchayati Raj Act, 2016.
5. Article 243-O(b) of the Constitution provides that no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.
6. Uttarakhand Panchayati Raj Act, 2016, which is the relevant State Legislation prescribes that election of Pradhan shall not be called in question except by an application presented to such authority within such time and in such manner as may be



prescribed. Clause (b) of sub-section (1) of Section 131-H specifically provides that any failure to comply with the provisions of this Act or the rules framed thereunder would be a ground to challenge the election by way of election petition.

7. The same being the ground in the present case, the petitioner has a remedy of filing election petition. In view of the same and the constitutional bar, we decline to examine the challenge in the present petition.

8. The writ petition is, accordingly, dismissed with liberty to the petitioner to avail such other remedy, as may be available to her.

9. All pending applications stand dismissed accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 31st July, 2026
Rathour

PRAVINDRA
SINGH
RATHOUR

Digitaly signed by Pravindra Singh Rathour
on 31/07/2026 at 10:00:00 AM
by Pravindra Singh Rathour
on 31/07/2026 at 10:00:00 AM