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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 310 /2015

PETITIONER

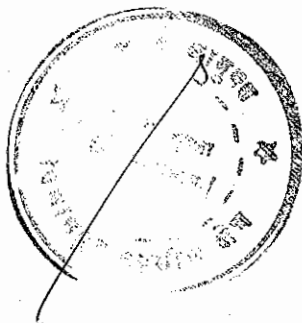
Uttam Patle, aged about 42 years, S/o Late
Sadram Patle, R/o Village and Post
Khaija, Tahsil and Thana Baloda, Distt.
Janjgir Champa

PR.No. 3545/15
Presented by Sri Alok Tiwari
dated 19.2.15

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through
Secretary, Panchayat and Rural
Department, Mantralaya, Raipur
2. District Returning Officer Cum Collector,
Janjgir Champa
3. Sub Divisional Officer cum Prescribe
Authority, Janjgir Distt. Janjgir Champa
4. Ashok Kumar Kurre, S/o Guharam Kurre,
By Caste Satnami, R/o Village Khaija,
Distt. Janjgir Champa



**WRIT PETITION UNDER ARTICLE 226 AND 227 OF THE
CONSTITUTION OF INDIA**

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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (C) No.310 of 2015

PETITIONER

Uttam Patle

Versus

RESPONDENTS

The State of Chhattisgarh & others

Shri Parag Kotecha, counsel for the petitioner.
Shri Adhiraj Surana, Dy. G.A. for the State.

SINGLE BENCH : HON'BLE SHRI PRASHANT KUMAR MISHRA, J.

**ORAL ORDER
(23/02/2015)**

Petitioner contested the election of Panch of Ward No. 10, Gram Panchayat, Khaija, Tahsil Baloda, District Janjgir-Champa. Petitioner was defeated in the election. According to the petitioner, he secured more than votes than respondent No.4 yet the petitioner was not declared elected, therefore, he has preferred an election petition under Section 122 of the C.G. Panchayat Raj Adhiniyam, 1993. Prayer in this writ petition is to stay the election of Up-Sarpanch of the said Gram Panchayat during the pendency of the election petition and to direct early conclusion of the trial of the election petition.

2. Once, the body of the Gram Panchayat has been elected, it is the statutory duty of the election officer to conduct election of Up-Sarpanch. Merely because an election petition has been filed challenging the election, the election of Up-Sarpanch cannot be stayed. The democratic process has to be concluded in accordance with the statute and mere aspiration of a candidate would not come in the way of Constitution of Gram Panchayat. Thus, the first part of the relief is not tenable.

3. In so far as relief concerning direction to the Election Tribunal to conclude the election petition at the earliest, the same appears to be reasonable, therefore, the writ petition is disposed of with a direction to the Election Tribunal before whom the election petition filed by the petitioner is pending, to decide the same as early as possible and preferably within a period of six months from the date of submission of certified copy of this order.

Sd/-
Prashant Kumar Mishra
Judge