

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1540 of 2015

- Naresh Yadav S/o Shri Yogi Prasad Yadav, Aged About 39 Years By Caste- Aheer, R/o Village- Vijaynagar, Post- Vijaynagar, Block- Ramchandrapur, Tahsil- Ramanujganj, District-Balrampur-Ramanujganj, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Social Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. The Commissioner, Surguja Division, Surguja, Ambikapur, District- Surguja, (Chhattisgarh)
3. The Deputy Commissioner, Surguja Division, Surguja, Ambikapur, District- Surguja, (Chhattisgarh)
4. The Returning Officer, Zila Panchayat, Balrampur, District- Balrampur- Ramanujganj, (Chhattisgarh)
5. The Nomination Officer- Cum- Assistant Returning Officer, Zila Panchayat, Balrampur, District- Balrampur- Ramanujganj, (Chhattisgarh)
6. Momtaj Ansari, S/o Kudus Ansari, Elected Zila Panchayat Member, Region No.3, R/o Village- Mahaveer Ganj, Post- Chiniya, Tahsil- Ramanujganj, District- Balrampur- Ramanujganj, (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Rahul Mishra, Advocate
For Respondent /State	Mr. Arun Sao, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/10/2015

Heard finally with the consent of learned counsel for the parties.

- (2) The petitioner is aggrieved by the order (Annexure P/1), whereby,

the Commissioner, Sarguja Division Sarguja, Ambikapur has returned the Election Petition to the petitioner on the ground that the Commissioner has no jurisdiction to entertain the election petition concerning the election of member of Zila Panchayat.

(3) Under Section 122 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, an election petition under the said Adhiniyam, when it relates to Zila Panchayat, is maintainable before the Director (Panchayat) and not otherwise.

(4) In view of the above statutory provision, the Commissioner has not committed any illegality in refusing to entertain the Election Petition.

(5) The writ petition has no substance and the same is accordingly dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

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