

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 388 of 2015**

Reshamlal Banjare S/o Dhansai Banjare Aged About 43 years R/o Village Mohtara (Ka) Tahsil and Police Station- Kasdol Distt.- Baloda Bazar-Bhatapara (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through- Secretary Panchayat and Gramin Vikas Vibhag, Mantralaya Bhawan, Naya Raipur, Police Station- Naya Raipur, District- Raipur [C.G.]
2. District Election Officer (Panchyat), District- Baloda Bazar-Bhatapara, Distt.- Baloda Bazar- Bhatapara (C.G.)
3. Deputy District Election Officer, (Panchyat), Kasdol, Police Station- Kasdol, Distt.- Baloda Bazar- Bhatapara (C.G.)
4. Maniram Sahu, (Presiding Officer), Polling Center No. 3, Gram Panchayat Mohtara (Ka), Janpad Panchayat Kasdol, At Present Posted At Lecturer, High School Dhobani, Police Station- Bilaigarh, Distt.- Baloda Bazar- Bhatapara (C.G.)

---- Respondents

For Petitioner	:	Shri Ashok Kumar Swarnakar, Advocate
For Respondent/State	:	Shri A. Surana, Dy. GA for the State.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/03/2015**

1. The petitioner has preferred this writ petition seeking a direction to initiate enquiry against respondent No.4 and take action because the said respondent No.4 has not conducted the election work properly and on account of this, the petitioner suffered loss in the election.

2. It appears, at the relevant time, respondent No.4 was functioning under the control of State Election Commission. For taking action against respondent No.4, the petitioner is required to establish his case before the Election Tribunal (for short 'the Tribunal') that because of the illegality or bungling committed by respondent No.4, he suffered loss in the election. If the allegation leveled by the petitioner is found proved by the Tribunal, the question for taking appropriate action against respondent No.4 may arise and in such event the petitioner may thereafter avail the remedy available to him in law.
3. For the present, the petitioner is required to file a election petition under Section 122 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993.
4. For the foregoing, the writ petition is not maintainable. It is accordingly dismissed as not maintainable, however, liberty is reserved in favour of the petitioner to file election petition, in accordance with law.

JUDGE

ashu