

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1355 of 2016**

Teras Bai Bareth W/o Bheesham, Aged About 25 Years R/o Hohda, Tehsil Champa,
District Janjgir Champa Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Sub Divisional Officer, (Specified Officer,) Champa,
District Janjgir Champa Chhattisgarh
2. Pinki Mahant W/o Dineshwar Mahant, Aged About 29 Years R/o Hohda, Tehsil
Champa, District Janjgir Champa Chhattisgarh
3. Anita Santosh Bareth, W/o Santosh Bareth, Aged About 22 Years R/o Rohda, Tehsil
Champa, District Janjgir Champa Chhattisgarh
4. Chandrika Purushottam Bareth, W/o Purushottam Bareth, Aged About 26 Years R/o
Rohda, Tehsil Champa, District Janjgir Champa Chhattisgarh
5. Neelam Bareth, W/o Amarsaay Bareth, Aged About 23 Years R/o Rohda, Tehsil
Champa, District Janjgir Champa Chhattisgarh
6. Sunita Bhaskar Sahu, W/o Bhaskar Sahu, Aged About 27 Years R/o Rohda, Tehsil
Champa, District Janjgir Champa Chhattisgarh
7. Rameshwar Lal Ratre Principal Primary School, Ram Bhatta, Thatharri, (Presiding
Officer), District Janjgir Champa Chhattisgarh
8. Laxmi Prasad Nishad, Shikshak Panchayat Prathmik Shala, Parsada, District Janjgir
Champa Chhattisgarh
9. Laxmi Prasad Nishad, Shikshak Panchayat Prathmik Shala, Parsada, District Janjgir
Champa Chhattisgarh
10. Krishna Kumar Uraon, Shikshak Panchayat Prathmik Shala, Chhitapadariya, District
Janjgir Champa Chhattisgarh
11. Laxminarayan Kashyap, Shikshak Panchayat Prathmik Shala, Pendri District Janjgir
Champa Chhattisgarh
12. Shri Shukhlal Anandram, Officer In Charge Police Station Bamnindih, District Janjgir
Champa Chhattisgarh
13. Tehsildar Chamap Returning Officer, Village Rohda, Tehsil Champa, District Janjgir
Champa Chhattisgarh

---- **Respondents**

For Petitioner	:	Shri Anish Tiwari, Advocate.
For Respondents No.1/State	:	Shri P.K.Bhaduri, G.A.
For Respondent No.2	:	Shri Atanu Ghosh
For Respondents No. 7 to 9	:	Shri Deepak Kumar Singh, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****26/07/2016**

In an election petition preferred by the petitioner before the S.D.O. (Revenue), Champa under Section 122 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short 'the Adhiniyam'), the impugned order has been passed refusing the petitioner's prayer for examination of Government Officers on the ground that since the election petition can be decided on the basis of documents, such witnesses cannot be allowed to be examined.

2. The impugned order itself would indicate that after refusal of petitioner's prayer, the election petition is posted for recording evidence.

3. A reading of the election petition would indicate that the petitioner has alleged that on the date of election/counting, the returned candidate along with other persons named in the election petition took away the ballot box which was witnessed by the persons who have been referred in the subject application.

4. Considering the nature of averments made in the election petition, it is clear that the Government servants sought to be examined mentioned in the application (Annexure P/3) appear to be the persons whose examination would be necessary for just and proper adjudication of the election petition.

5. For the foregoing, the writ petition is allowed and the petitioner is permitted to examine such Government Officers named in para 2 of the application Annexure P/3.

6. Let their examination be conducted and the election petition be decided within a period of 6 months.

Sd/-
Judge
(Prashant Kumar Mishra)