

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2727 of 2016

- Smt. Bhagyawati Kashyap W/o Shri Lalit Kumar Kashyap, Aged About 40 Years R/o Village Rengarghat, Post Basantala, Thana Narayanapur, Tahsil Kunkuri, Civil And Revenue District Jashpur, (Chhattisgarh)

---- Petitioner

Versus

1. Chhattisgarh State Election Commission, D. K. S. Bhawan, Near Old Mantralaya, Raipur, District Raipur, (Chhattisgarh)
2. The Returning Officer, Election Commission (Panchayat Election), Kunkuri, Civil And Revenue District Jashpur, (Chhattisgarh)
3. The Collector, Jashpur, District Jashpur, (Chhattisgarh)
4. The Tahsildar & Returning Officer, Election Commission (Panchayat Election), Kunkuri, Civil And Revenue District Jashpur, (Chhattisgarh)
5. Malti Singh, Aged About 42 Years R/o Village Rengarghat, Post Basantala, Thana Narayanpur, Tahsil Kunkuri, Civil And Revenue District Jashpur, (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Punit Ruparel, Advocate
For Respondent /State	Mr. Arun Sao, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

09/11/2016

1. Heard.
2. The petitioner is a resident of the Gram Panchayat area from where respondent No.5 has been elected as member of Janpad

Panchayat Kunkuri, District Jashpur.

3. It is argued that during the election held in December 2014/January 2015, respondent No.5 has violated the model code of conduct.
4. The petitioner being a voter of the area as also a contesting candidate could have filed an Election Petition, which she did not avail, therefore, when the remedy available to the petitioner has not been availed, a writ petition is not an appropriate remedy seeking direction to respondents 1 to 4 to take action against respondent No.5 for violating the model code of conduct which in other way would mean to set-aside election of respondent No.5.
5. In view of the above, the present writ petition is not maintainable. Accordingly, it is dismissed, as not maintainable.

Sd/-

Judge

(Prashant Kumar Mishra)

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