

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3254 of 2016

- Prahlad Bhargav S/o Late Devnarayan Bhargav, Aged About 39 Years R/o Village Khaira,(L) Block Bilha, P.S. Seepat, Tahsil And District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat Department, Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh
2. Collector And District Election Office, Bilaspur, District Bilaspur Chhattisgarh
3. Sub Divisional Officer, Revenue Department Bilha, District Bilaspur Chhattisgarh
4. Election Officer, Panchayat Bilha, District Bilaspur Chhattisgarh
5. Govind Kumar Patwa S/o Late Bhuwan Lal Patwa, Aged About 45 Years, Khaira (L), Block Bilha, P.S. Seepat, Tahsil And District Bilaspur Chhattisgarh
6. Veer Singh S/o Late Sarwaram Kevant, Aged About 40 Years Khaira (L) Block Bilha, P.S. Seepat, Tahsil And District Bilaspur Chhattisgarh

---- Respondent

For Petitioner	Mr. Amit Kumar, Advocate
For Respondent /State	Mr. Ramakant Mishra, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/12/2016

1. Heard.
2. The petitioner submitted his nomination form for election to

the office of Sarpanch, Gram Panchayat Khaira (L) , Block Bilha District Bilaspur. His nomination form was rejected by the Election Officer and thereafter, his application for reconsidering the decision has not been decided.

3. It is argued by learned counsel for the petitioner that the nomination was wrongly rejected and he was not informed of the decision.
4. Once the nomination paper has been rejected, a writ petition under Article 226 of the Constitution of India is not maintainable in view of the provisions contained Article 243-O . The only remedy now available to the petitioner is to maintain an election petition in accordance with Section 122 of the *C.G. Panchayat Raj Adhiniyam, 1993* and the C.G. Panchayats (Election Petitions, Corrupt Practices and Disqualification For Membership) Rules, 1995.
5. The present petition is not maintainable in view of the constitutional bar, therefore, it is dismissed. However, liberty is reserved in favour of the petitioner to prefer an election petition.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna