

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2275 of 2016

- Smt. Ramphool Nirmalkar W/o Shri Parganiha Nirmalkar, Aged About 30 Years Panch Of Ward No.8, R/o Village Dadhi, Gram Panchayat Dadhi, Thana Dadhi And Thasil Bemetara, District Bemetara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Samaj Seva, Mahanadi Bhawan, Naya Mantraya, Raipur, (Chhattisgarh)
2. Collector, Bemetara, District Bemetara, (Chhattisgarh)
3. Sub Divisional Officer (Revenue)/ Preceding Officer, Bemetara, District Bemetara, (Chhattisgarh)
4. Premlata Kumbhakar, W/o Shri Dev Kumbhakar, Aged About 35 Years R/o Village Dadhi, Gram Panchayat Dadhi, Thana Dadhi And Thasil Bemetara, District Bemetara, (Chhattisgarh)
5. Shri Tukaram Sahu, Preceding Officer, Head Master Of Government Primary School, Kota, Thasil Berla, District Bemetara, (Chhattisgarh)
6. Thasildar/ Returning Officer, Bemetara, District Bemetara, (Chhattisgarh)

---- Respondent

For Petitioner
Respondent-State

Shri Vinay Pandey, Advocate
Shri U. N. S. Deo, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

07/09/2016

1. Learned counsel for the petitioner would submit that the petitioner is the returned candidate as Panch of Ward No.8, Gram

Panchayat Dadhi, Tahsil and District Bemetara. In the election petition preferred against him, he has raised a preliminary objection regarding maintainability of the election petition, which has not been decided. The Election Tribunal has directed that the same shall be considered at the time of final hearing/final order.

2. It appears, the petitioner has raised objection to the maintainability of the election petition on the ground that Rule 7 of the Chhattisgarh Panchayat (Election Petitions, Corrupt Practices and Disqualification for Membership) Rules, 1995 (henceforth 'the Rules, 1995') has not been followed, inasmuch as the security deposit has not been deposited in the manner required under the Rules, 1995.
3. Considering that the Election Tribunal has not decided the application on merits, the writ petition is disposed of at the admission stage by directing the Election Tribunal to decide the preliminary objection preferred by the petitioner before proceeding further to try the election petition. The Election Tribunal shall decide the preliminary objection within a period of one month from the date of submission of certified copy of this order.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA