

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1522 of 2016**

- Smt. Malti Devi Patle, aged about 34 years, W/o Uttam Patle, R/o Gram Panchayat Khaija, Tahsil and Thana Baloda, District Janjgir Champa

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through its Secretary, Panchayat and Rural Development, Naya Raipur, District Raipur (CG)
2. District Election Officer and Collector, District Janjgir Champa (CG)
3. Returning Officer and Tahsildar, Baloda (Panchayat Election), Janpad Panchayat, Baloda, District Janjgir Champa (CG)
4. Sub Divisional Officer (R) cum Prescribed Authority, Janjgir, District Janjgir Champa
5. Divya Sarthi, W/o Radheshyam, R/o Gram Panchayat Khaija, Tahsil and Thana Baloda, District Janjgir Champa
6. Ashish Tikariya, Sub Divisional Officer (R) cum Prescribed Authority, Janjgir, District Janjgir Champa

---- **Respondent**

For Petitioner : Shri Alok Tiwari, Advocate.
 For Respondent/State : Miss Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****10/11/2016**

1. Grievance of the petitioner is that in the by-election of the Office of Panch of Ward No.7 of Gram Panchayat Khaija, the petitioner's nomination paper has been illegally rejected.
2. The petitioner has remedy of preferring an Election Petition under Section 122 of the CG Panchayat Raj Adhiniyam, 1993 read with

Rule 21 of the Chhattisgarh Panchayats (Election Petitions, Corrupt Practices and Disqualification For Membership) Rules, 1995 to call in question the election of returned candidate after the election is over.

3. It is settled law that once election process has begun, the High Court in exercise of powers under Article 226 of the Constitution shall not interfere in view of the provisions contained in Article 243-O of the Constitution of India.
4. In view of the above, the Writ Petition is dismissed. Liberty is reserved in favour of the petitioner to move election petition after the election is over.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve