

NAFR**HIGH COURT of CHHATTISGARH, BILASPUR****Writ Petition (PIL) No. 36 of 2015**

1. Ramjeet Singh (R. J. Singh) S/o Late Suchit Singh, aged about 68 years, Corporator of Ward No. 2 Smriti Nagar, Municipal Corporation, Bhilai, Distt. Durg (Chhattisgarh), R/o 59- A/3, Nehru Nagar West, Bhilai, Police Station Supela, Post Nehru Nagar, Bhilai, Distt. Durg (Chhattisgarh), Pin Code 490 020.
2. Ali Hussain Siddique S/o Late Noor Hussain Siddique, aged about 68 years, Gautam Nagar Supella Ward No. 4, Post Ram Nagar Thana Supella, Durg, Distt. Durg (Chhattisgarh), Pin Code 490 023.

---- Petitioners**Versus**

1. State of Chhattisgarh through the Secretary, Department of Urban Administration and Development, Mantralalaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Chhattisgarh State Election Commission, Raipur (Chhattisgarh), through the State Election Commissioner.
3. Director, Urban Administration and Development, State of Chhattisgarh, Raipur (Chhattisgarh)
4. Municipal Corporation, Bhilai, through the Commissioner, Municipal Corporation, Bhilai, Distt. Durg (Chhattisgarh)
5. Collector, Durg, Distt. Durg (Chhattisgarh)

---- Respondents**Writ Petition (C) No. 1948 of 2015**

1. Devinder Singh Bhatia S/o Late Shri G. S. Bhatia, aged about 51 years, R/o Ward No. 3, (Old Ward No. 2 Kosha Nagar), 50, First Floor, Commercial Complex, Nehru Nagar East Bhilai, Civil and Revenue District Durg, Chhattisgarh
2. Chandrahas Sen S/o Shri Ram Kishun Sen, aged about 41 years, R/o 339/3, Gandhi Chowk, Krishna Nagar Supela Bhilai, Durg Civil and Revenue District Durg, Chhattisgarh
3. Girwar Prasad S/o Shri M. R. Sahu, aged about 32 years, R/o Bajrang Para Kohka Karma Bhavan, Ward No. 8, Supela Bhilai, Civil and Revenue District Durg (Chhattisgarh)
4. Narendra Kumar Bandhe S/o Late Shri Sundarlal Bandhe, aged about 32 years, R/o H. No. 279, Sanjay Nagar, Supela, Ward No. 4, Bhilai, Civil and Revenue Distt. Durg, Chhattisgarh.
5. Onkar Nath Tiwari S/o Shri Shiv Prasad Tiwari, aged about 47 years, R/o Ward No. 16, L I G 1429, M P H B, Industrial Area, Bhilai, Civil and Revenue Distt. Durg, Chhattisgarh.

---- Petitioners**Vs**

1. State of Chhattisgarh through the Secretary Department of Urban Administration and Development, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Chhattisgarh State Election Commission, Raipur (Chhattisgarh), through The State Election Commissioner. Chhattisgarh State Election Commission, Raipur (Chhattisgarh),
3. Director, Urban Administration and Development, State of Chhattisgarh, Raipur (Chhattisgarh)
4. Municipal Corporation, Bhilai, through the Commissioner, Municipal Corporation, Bhilai, Distt. Durg (Chhattisgarh)
5. Collector, Durg, Distt. Durg, Chhattisgarh.

---- Respondents

For Petitioners	:	Dr. N. K. Shukla, Sr. Advocate along with Shri Vikram Sharma, Advocates
For Respondents/State	:	Shri A. S. Kachhawaha, Additional Advocate General
For Respondent no.4	:	Shri H. B. Agrawal, Sr. Advocate along with Smt. Iturani Mukherjee, Advocates

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

18/04/2017

These are the public interest litigations filed by the residents within the limits of Bhilai Municipal Corporation. They say that they are also corporators and social workers. The plea projected is that the delimitation of wards was carried out in violation of the provisions of the Chhattisgarh Municipal Corporation Act, 1956 (hereinafter referred to as 'the Act') and the Chhattisgarh Municipal Corporation (Extent of Wards) Rules 1994 (hereinafter referred to as 'the Rules')

2. We have heard the learned senior counsel for the petitioners, the learned Additional Advocate General and the learned senior counsel appearing for the Municipal Corporation, Bhilai.

3. No interlocutory order was issued in these cases though the writ petitions stand admitted. This means that the delimitation which is impeached through these writ petitions has been effectuated. Thereafter elections were held. The

returned candidates have also occupied the posts. The challenge to an election could be had only in accordance with the statutory provisions which enable setting aside an election. The grounds to set aside an election do not include a ground referable to erroneous delimitation of wards. Under such circumstances, we see that no relief can be granted in relation to the delimitation exercise carried out for the year in question.

4. Suffice to say that the learned senior counsel for the petitioners is justified in pointing out that the delimitation has to be carried out in terms of Section 10 of the Chhattisgarh Municipal Corporation Act, 1956 and Rule 3 of the Chhattisgarh Municipal Corporation (Extent of Wards) Rules 1994. The Learned Additional Advocate General is also justified in pointing out that the different other Rules including Rule 8 among the 1994 Rules govern the manner of disposal of objections. The statutory Rules which govern the situation will have to be strictly complied with since time limit is of the essence of the electoral process and therefore, the delimitation process which, obviously, is a forerunner to the electoral process, has to be carried out in conformity with the applicable laws.

5. For the aforesaid reasons, the respondents are directed to ensure that the delimitation of wards for the years to come shall be carried in strict conformity with the provisions of the Chhattisgarh Municipal Corporation Act, 1956 and the Chhattisgarh Municipal Corporation (Extent of Wards) Rules 1994 as they would apply from time to time.

6. Both the writ petitions are ordered accordingly.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE