

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (C) No. 3444 of 2017**

1. Ful Sai Singh, son of Shri Dharam Sai Singh, aged about 40 years, resident of Gram Panchayat, Shankarpur, Tahsil-Wadrafnagar, District – Balrampur- Ramanujganj (C.G.)
2. Shiv Prasad, aged about 26 years, son of Shri Sukhdeo Singh, Panch Ward No. 12, resident of Gram Panchayat, Shankarpur, Tahsil Wadrafnagar, District- Balrampur- Ramanujganj (C.G.)
3. Ram Vilash, aged about 56 years, son of late Shri Jeetram Panch, Ward No. 13, resident of Gram Panchayat, Shankarpur, Tahsil-Wadrafnagar, District Balrampur- Ramanujganj (C.G.)

---- Petitioners**Versus**

1. State of Chhattisgarh, Through the Secretary, Panchayat and Rural Development Department, Mantralaya, New Raipur, P.S.- Rakhi, District Raipur (C.G.)
2. The Chhattisgarh Election Commission, through its Secretary, near D.K.S. Bhawan (Old Mantralaya), Raipur (C.G.)-492001
3. The Collector, District- Balrampur- Ramanujganj (C.G.)
4. The Deputy District Returning Officer (Local Election), District – Balrampur- Ramanujganj (C.G.)
5. The Sub-Divisional Officer (Revenue), Wadrafnagar, District- Balrampur- Ramanujganj (C.G.)

---- Respondents

For Petitioner	: Mr. D.N. Prajapati, Advocate.
For State	: Mr. Dheeraj Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/12/2017**

(1) Learned counsel appearing for the petitioner would submit that the election of Gram Panchant Shankarpur, Tahsil Wadrafnagar is being held in violation of Rules and Regulation and without publishing due and proper voter list.

(2) Learned counsel for the State would submit that the election programme has already been issued and the election has already been commenced on 29th November, 2017 and once the election programme is issued, no interference can be made in view of the provisions contained in Article 243-O of the Constitution of India.

(3) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.

(4) At this stage, it would be appropriate to notice Article 243-O of the Constitution of India, which states as under:-

“243-O. Bar to interference by courts in electoral matters.- Notwithstanding anything in this Constitution-

(a) xxx xxx xxx xxx

(b) no election to any Panchayat shall be called in question except by an election by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.”

(5) The Election Programme has already been published and election process has already been commenced with effect from 29th November, 2017 for election of Gram Panchayat Shankarpur, therefore, in view of the constitutional bar, instant writ petition as framed and filed is not maintainable.

(6) Accordingly, the writ petition fails and hereby dismissed. However, it is open to the petitioner to proceed in accordance with law after election is over. No cost(S).

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

