

HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No.141 of 2016**

Smt. Ganga Sahu, aged about 29 years, W/o Jagdish Sahu, By Caste Teli,
R/o Jaijaipur, Tahsil Jaijaipur, Distt. Janjgir Champa

---- Petitioner

Versus

1. Gulshad Begam, aged about 29 years, W/o Shabdar Khan, by Caste Musalman, R/o Jaijaipur, Tahsil Jaijaipur, Distt. Janjgir Champa
2. Chief Municipal Officer Nagar Panchayat Jaijaipur, Distt. Janjgir Champa
3. Tahsildar/Returning Officer Jaijaipur, Tahsil Jaijaipur, Distt. Janjgir Champa
4. District Returning Officer/Collector, Janjgir Champa
5. The State of Chhattisgarh Through Collector Janjgir Champa

---- Respondents

For Petitioner	:	Mr.Parag Kotecha, Advocate
For Respondent No.1	:	Ms Trisha Das, Advocate
For Respondent No.3 to 6	:	Ms Ashtha Shukla, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

04/10/2018

1. Smt. Gulshad Begam was declared elected as Councillor from Ward No.4 of Nagar Panchayat Jaijaipur. Her election was declared void by the Additional District Judge-cum-Election Tribunal, Sakti on 30.7.2016 in Misc. Civil Suit No.39/2016, which was challenged by said Gulshad Begam in Civil Revision No.111 of 2016. That civil revision was dismissed by this Court on 2.1.2017. Thereafter, the present petitioner has filed this civil revision against the order of the Additional District Judge-cum-Election Tribunal, Sakti, by which the petitioner was not declared as elected candidate.
2. Mr.Parag Kotecha, learned counsel for the petitioner, would submit that the impugned order passed by learned Additional District Judge-cum-Election Tribunal not declaring the petitioner as elected

2

candidate is unsustainable and bad in law in view of decision rendered by the Supreme Court in the matter of **Vishwanatha Reddy v. Konappa Rudrappa Nadgouda and another**¹.

3. On the other hand, Ms Trisha Das, learned counsel for respondent No.1, would submit that bye-election of Ward No.4 of Nagar Panchayat, Jaijaipur has already been conducted.
4. I have heard learned counsel for the parties.
5. Since after filing of this civil revision, bye-election of Ward No.4 of Nagar Panchayat, Jaijaipur has already been conducted and new person has been elected as Councillor of said ward, no relief can be granted to the petitioner at this stage. However, the only remedy is available to the petitioner to challenge the result of the elected candidate on bye-election, who has been declared elected in accordance with law.
6. In view of above, the civil revision is dismissed as no relief declaring the petitioner as elected candidate can be granted in view of subsequent development. However, the petitioner is at liberty to proceed in accordance with law. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-

¹ AIR 1969 SC 604