

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4400 of 2019

1. Fulo Panna, D/o Shri Dewar Ram, Aged About 44 Years, R/o Ward No. 13 Bilaitanger, Tahsil - Patthalgaon, District : Jashpur, Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh State Election Commission, Through Its Secretary, Chhattisgarh, Chhattisgarh State Election Commission, Mahanadi Bhawan, Mantralaya, Atal Nagar, Mantralaya, Nawa Raipur, District : Raipur, Chhattisgarh
2. State Of Chhattisgarh, Through The Secretary, Ministry Of Local And Self Government, Mahanadi Bhawan, Mantralaya, Atal Nagar, Mantralaya, Nawa Raipur, District : Raipur, Chhattisgarh
3. The District Election Officer (Municipal), Jashpur, District : Jashpur, Chhattisgarh
4. The Returning Officer, Nagar Panchayat, Patthalgaon, District : Jashpur, Chhattisgarh
5. Nagar Panchayat, Patthalgaon, Through The Chief Municipal Officer, Nagar Panchayat, Patthalgaon, District : Jashpur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Ajeet K. Yadav, Advocate with Mr. Rishi Rahul Soni, Advocate
For State/Resp. No.2	:	Smt. Sunita Jain, Govt. Advocate
For Resp. No. 1, 3 & 4	:	Mr. Abhyuday Singh, Standing counsel

Hon'ble Shri Justice P. Sam Koshy
Order on Board

04.12.2019

1. The challenge in the present Writ Petition is to the order passed by the Chhattisgarh State Election Commission dated 01.06.2017,

whereby the petitioner has been declared ineligible/disqualified from being elected as President/ Ward Councillor for a period of four years.

2. At the outset, this Court finds that the writ petition has been filed inadvertently at a delayed stage and the same suffers from delay and laches.
3. A perusal of the impugned order would show that the petitioner was noticed by the Commission and the petitioner had also participated in the proceedings and as such it has to be presumed that the petitioner was aware of the order passed by the Chhattisgarh State Election Commission.
4. Given the said facts that the petitioner had not challenged the order at that point of time or at a reasonable period, the petitioner now cannot be permitted to raise the fact in the writ petition by challenging the same after lapse of more-than 2 ½ years ie., after the substantial period of the effect of disqualification period itself having been undergone.
5. For the said reason, this Court finds that the writ petition thus fails and is accordingly dismissed only on the ground of delay and laches.

**Sd/-
(P. Sam Koshy)
Judge**