

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4559 of 2019**

Smt. Guna Bai Rathore W/o Sonelal Rathore Aged About 45 Years
R/o Nagar Panchayat Gaurella, Ward No. 14, Tehsil - Pendraroad,
District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Principal Secretary Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. The Chhattisgarh State Election Commission Raipur, Through Its Commissioner, Near Dks Bhawan, Old Mantralaya Road, Motibagh, Raipur, District Raipur Chhattisgarh.
3. The Returning Officer Cum Sub Divisional Officer (Revenue) Nagar Panchayat Gaurella, District Bilaspur Chhattisgarh.
4. Iram Fatima W/o Junaid Ahmed, Aged About 30 Years R/o Gaurella, Tehsil Pendraroad, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Rakesh Pandey, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.
For respective Respondent	:	Ms. Anubhuti Marhas, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/12/2019**

1. The challenge in the present writ petition is to the acceptance of the nomination papers of the respondent No.4 for the Municipal Corporation Elections and in the process rejected the objection filed by the petitioner. The petitioner has challenged the nomination papers submitted by the respondent No.4.
2. At the outset, this Court is of the opinion that the writ petition would not be maintainable taking into consideration the provisions of Article 243-ZG and also Section 20 of the Chhattisgarh Municipalities Act, 1961, where there is a specific bar provided and that the remedy available to the petitioner would be one that of raising an election

petition. In addition, if the respondent No.4 succeeds in the election, the petitioner again has a remedy of raising a dispute under Section 41 of the Chhattisgarh Municipalities Act, 1961.

3. Given the facts and circumstances of the case, the writ petition stands dismissed as not maintainable, reserving the right of the petitioner to avail other remedies available to him under the statute.

Sd/-
(P. Sam Koshy)
Judge

Ved