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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4640 of 2019**

Dilip Kumar Jain (Kankariya) S/o Late Shri Bavar Lal Jain, Aged About 50 Years, R/o 256, Station Road, Ward No. 03, Gobra Navapara, District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Union Of India Through Secretary (Personnel) (DoPT) Department Of Personnel And Training, North Block, New Delhi 110001
2. The State Of Chhattisgarh Through Secretary, Department Of General Administration (G. A. D.), Mahanadi Bhavan, New Mantralaya, Atal Nagar, (New Raipur) Chhattisgarh
3. The State Election Commission, Chhattisgarh Nrivachan Karyalay, Near DKS, Bhavan, G. E. Raod, District Raipur, Chhattisgarh
4. The Collector, District Raipur, Chhattisgarh
5. The Returning Officer (Nagarpalika) Gobra Navapara, District Raipur Chhattisgarh
6. Shri Suraj Sahu Posted As The Returning Officer, Gobra Navapara, District Raipur, Chhattisgarh
7. Shri Prasann Sharma S/o Shri R. D. Sharma, Aged About 51 Years, R/o Ward No. 13, Brahman Para, Gobra Navapara, Tahsil Abhanpur, District Raipur, Chhattisgarh
8. Shri Ashok Nagwani S/o Shri Bakshamal Nagwani, Aged About 59 Years, R/o Ward No. 17, Gobra Navapara, Tahsil Abhanpur, District Raipur, Chhattisgarh
9. Smt. Sushila Dewangan W/o Shri Makhan Lal Dewangan, Aged About 52 Years R/o Ward No. 20, Gobra Navapara, Tahsil Abhanpur, District

Raipur, Chhattisgarh

10. Shri Manoj Sahu S/o Shri Bhangiram Sahu, Aged About 40 Years
R/o Ward No. 04, Brahman Para, Gobra Navapara, Tahsil Abhanpur,
District Raipur, Chhattisgarh
11. Shri Dhanraj Madhyani S/o Shri Hukumatram Madhyani, Aged About
53 Years, R/o Ward No. 17, Brahman Para, Gobra Navapara, Tahsil
Abhanpur, District Raipur, Chhattisgarh
12. Shri Dukalu Chakradhari S/o Shri Bansi Chakradhari, Aged About
53 Years, R/o Ward No. 21, Gobra Navapara, Tahsil Abhanpur, District
Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Devershi Thakur, Advocate
For State	:	Mr. V. R. Tiwari, Additional A.G.
For Respondent no.3	:	Mr. Rahul Kumar on behalf of Mr. R. S. Marhas, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

16.12.2019

1. The relief sought in the present writ petition is for quashment of the order dated 07.12.2019 (Annexure P-4) passed by the respondent no.5 cancelling the nomination of the petitioner for the post of Councilor(Parshad) in the forthcoming local body election. The further relief sought by the petitioner is for a direction to the respondents to consider the candidature of the petitioner.
2. Considering the fact that the election programme has already been notified and the nomination forms and the finalization of the candidates have all been finalized, this Court is of the opinion that the writ petition

in its present form before this Court under the writ jurisdiction would not be maintainable. The remedy available to the petitioner would be that of filing of an election petition under Section 20 of the Chhattisgarh Municipality Act, 1961 against the rejection of his nomination. Any further relief sought for, as a consequence, would also be subsequent to the finding given in the election petition.

3. Accordingly, the writ petition stands dismissed as not maintainable.
4. Subject to the petitioner furnishing photo copy of the impugned order and other annexures, the certified copy of the same shall be returned to the petitioner.

Sd/-
P. Sam Koshy
Judge