

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4644 of 2019**

Shivnath Shah S/o Late Shri Mahavir Shah, Aged About 58 Years, R/o
H.No. 46, Majhapara, Baramkela, District Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Chhattisgarh
2. The Collector, District Raigarh, Chhattisgarh
3. Commissioner, Municipal Corporation, Raigarh, Chhattisgarh
4. Returning Officer, Nagar Panchayat (Election), Baramkela, District Raigarh, Chhattisgarh
5. State Election Commission Through The Commissioner, Having Its Office At Nagar Ghadi Chowk, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sharad Mishra, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.
For Respondent no.5	:	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-3) passed by the respondent no.4 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