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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4642 of 2019**

Saket Kumar Sahu S/o Shri Tularam Sahu, Aged About 41 Years, R/o
School Para, Ward No. 12, Gunderdehi, District Balod, Chhattisgarh,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Urban Administration And Development
Department, Mahanadi Bhawan, Mantralaya, New Raipur,
Chhattisgarh
2. Chief Election Officer, Office Of CG State Election Commissioner, Near
DKS Bhavan, Raipur, District Raipur, Chhattisgarh
3. District Election Officer/ Collector, District Balod, Chhattisgarh
4. Returning Officer (Sub Divisional Officer), Nagar Panchayat,
Gunderdehi, District Balod, Chhattisgarh
5. Chief Municipal Council Officer, Nagar Panchayat, Gunderdehi, District
Balod, Chhattisgarh
6. Ashok Mahobia, S/o Late Narayan Mahobia, R/o Ward No. 12,
Dhamtari Chowk, Gunderdehi, District Balod, Chhattisgarh
7. Gaukaran Sonkar S/o Late Ganesh Sonkar, R/o Ward No. 12, Kadra
Para, Gunderdehi, District Balod, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Goutam Khetrapal with Mr. Raj Kumar Pali, Advocates
For State	:	Mr. Jitendra Pali, Dy. A.G.
For Respondent no.2	:	Mr. Shivraj Singh, 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-1) 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**