

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 103 of 2020**

Nirpati Rathiya W/o Sitaram Rathiya Aged About 24 Years R/o Village- Lat, Gram Panchayat-Lat Tehsil- Dharamjaigarh, District- Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur, District - Raipur Chhattisgarh.
2. The Collector District- Raigarh Chhattisgarh.
3. The Sub-Divisional Officer (Revenue) Dharamjaigarh, District Raigarh Chhattisgarh.
4. The Chief Executive Officer Janpad Panchayat, Dharamjaigarh Chhattisgarh.
5. State Election Commission Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Shivanshu Pandey, Advocate on behalf of Mr. Sanjay Agrawal, Advocate
For State	:	Ms. Sunita Jain, G.A.
For Respondent No.5	:	Mr. Shivraj Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/01/2020**

1. The relief sought in the present writ petition is for quashment of the notification dated 24.11.2019 (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 vide notification dated 23.12.2019, 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

Ved