

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 67 of 2020**

Milan Tembhurkar S/o Late Gaurang Tembhurkar, Aged About 45 Years,
Resident Of Ward No. 09, Bhim Nagar Ambedkar Ward, Dongargarh,
Post, Tahsil And Police Station Dongargarh, District- Rajnandgaon
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Chief Secretary, Mahanadi Bhawan,
Nava Raipur, Chhattisgarh
2. The Collector Rajnandgaon, District- Rajnandgaon, Chhattisgarh
3. The Sub Divisional Officer/ Returning Officer Dongargarh, Tahsil-
Dongargarh, District- Rajnandgaon, Chhattisgarh
4. Anita Indulkar W/o Lokesh Indulkar, Resident Of Ward No. 09, Bhim
Nagar Ambedkar Ward, Dongargarh, Post, Tahsil And Police Station
Dongargarh, District- Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Love Kumar Ramteke, Advocate
For State	:	Ms. Abhyunati Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.01.2020**

1. The challenge in the present writ petition is to the nomination form
submitted by respondent no.4 for the forthcoming election at Nagar
Palika Ward No.9, Bhim Nagar Ambedkar Ward, Dongargarh.
2. At the outset, this Court is not inclined to entertain the writ petition for

the reason that the election process has already begun and as per the provisions of Article 243 ZG (b) of the Constitution of India, there is a total bar whereby it has been specifically envisaged that “no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.”

3. The view of this Court stands fortified by the recent judgment of the Division Bench of this High Court in the case of Manoj Kansari Vs. State of Chhattisgarh & others decided on 02.12.2019 in WPC No. 3540 of 2019 wherein the Hon'ble Division Bench relying upon the judgment of the Supreme Court in the case of Anugrah Narain Singh Vs. State of Up¹ and a judgment passed by the Division Bench of the Rajasthan High Court in the case of Mushe Khan Vs. State of Rajasthan² has categorically held that the writ petition at this juncture would not be maintainable.
4. Accordingly, the present writ petition stands rejected reserving the right of the petitioner to avail other remedies open to him.

**Sd/-
P. Sam Koshy
Judge**

Khatai

1 (1996) 6 SCC 203

2 AIR 2015 Rajasthan 35