

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 224 of 2020**

Smt. Krishna Devi W/o Dubelal Bhaskar Aged About 56 Years
Resident Of Budar, Jampara House No. 816, Main Road
Baikunthpur, Tahsil Baikunthpur, District Korla Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Chhattisgarh State Election Commission Near D.K.S. Bhawan Raipur, District Raipur Chhattisgarh
3. Commissioner Cum Director Directorate Of Panchayat, Atal Nagar New Raipur, District Raipur Chhattisgarh
4. Collector-Cum-District Election Officer District Korla Chhattisgarh
5. Returning Officer (Panchayat) District Korla Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Govind Dewangan, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.
For Respondent No.2	:	Mr. R.S. Marhas, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21/01/2020**

1. The challenge in the present writ petition is to the alleged illegal rejection of the nomination papers of the petitioner in the ongoing Panchayat Election, where the petitioner had filed the nomination papers for being elected as a Member of Zila Panchayat, Area No.8, District Koriya.
2. At the outset, this Court is of the opinion that in view of the express bar provided under Article 243(O) of the Constitution of India and also taking into consideration the availability of a statutory remedy to the petitioner under Section 122 of the Panchayat Raj Adhiniyam and also Rule 21 of the concerned Election Rules, 1995, which

specifically provides the cancellation of nomination as a ground for declaring an election to be void.

3. The view of this Court stands fortified from the decision of the Hon'ble Supreme Court in the case of "**Avtar Singh Hit v. Delhi Sikh Gurdwara Management Committee & Ors.**" 2006(8) SCC 487 and also the judgment of the Hon'ble Division Bench of this Court in the case of "**Manoj Kansari v. State of Chhattisgarh & Ors.**" (WPC No. 3540/2019) decided on 02.12.2019.
4. The writ petition accordingly stands rejected. Rejection of the writ petition would not preclude the petitioner from availing the statutory remedy otherwise available to the petitioner.

Sd/-
(P. Sam Koshy)
Judge

Ved