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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No. 160 of 2020

Gajpal Chandrakar S/o Jhumuk Chandrakar, Aged About 43 Years, R/o Village Kharhatta, Tahsil Pandariya, District Kabirdham, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhavan Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh

2. Sub Divisional Officer (Revenue) Pandariya, District Kabirdham, Chhattisgarh

3. Returning Officer, Pandariya, Tahsil Pandariya, District Kabirdham, Chhattisgarh

4. Assistant Returning Officer, Pandariya, Tahsil Pandariya, District Kabirdham, Chhattisgarh

5. Smt. Ranu Chandrakar, Panchayat Secretary (Suspended), Gram Panchayat Kharhatta, Tahsil Pandariya, District Kabirdham Chhattisgarh

6. Girish Kumar Chandrakar S/o Ashok Kumar Chandrakar, Aged About 38 Years, R/o Village Kharhatta, Tahsil Pandariya, District Kabirdham Chhattisgarh

7. Ashwani Chandrakar S/o Ashok Kumar Chandrakar, Aged About 35 Years, R/o Village Kharhatta, Tahsil Pandariya, District Kabirdham Chhattisgarh

---- Respondents

For Petitioner : Mr. Rahul Mishra, Advocate
For State : Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

15.01.2020

1. The challenge in the present writ petition is to the order of rejection of nomination of the petitioner for the post of Sarpanch of village Panchayat, Kharhatta.

2. The rejection of nomination was on the ground that the petitioner had not submitted no dues certificate as is required under the election law. However, according to the petitioner, he had duly submitted the same.

3. At the outset, this Court finds that the State Election Commission has not been made a party to the writ petition. This Court also finds that the election programme has already started and there is a specific bar of interference from the court of law under Article 243(O) of the Constitution of India which specifically states that no election to any Panchayat shall be called in question except by an Election Petition presented to such authority.

4. Taking into consideration the bar of interference by the Court as provided under Article 226(O) of the Constitution of India and also taking note of the recent decision of the Division Bench of this High Court in WPC No. 3540 of 2019 decided on 02.12.2019, this Court is of the opinion that the present writ petition would not be maintainable.

5. Accordingly, the writ petition stands rejected reserving the right of the petitioner to avail other remedies open under the law.

Sd/-
P. Sam Koshy
Judge

Khatai