

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 201 of 2020**

Smt. Yogeshwari Sahu W/o Thakur Ram Sahu Aged About 40 Years
R/o Village Madeli, Tehsil Kurud, District Dhamtari Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. The Chhattisgarh State Election Commission Through The Secretary, Near Dau Kalyan Singh Bhawan, Raipur, District Raipur Chhattisgarh.
3. The Commissioner Raipur Chhattisgarh.
4. The District Election Officer (Panchayat)/Collector Dhamtari Chhattisgarh.
5. Returning Officer/Tahsildar Kurud, Panchayat Election, District Dhamtari Chhattisgarh.
6. Sharda Sahu W/o Loknath Sahu Aged About 54 Years R/o Village Madeli, Tehsil Kurud, District Dhamtari Chhattisgarh.
7. Vandana Sahu W/o Tarun Sahu Aged About 29 Years R/o Village Kachna, Tehsil Kurud, District Dhamtari Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Prateek Sharma, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G. and Mr. Anshuman Shrivastava, P.L.
For Respondents No. 2, 4 & 5	:	Mr. R.S. Marhas, Advocate along with Mr. Aman Tamboli, Advocate
For Respondent No.6	:	Mr. Kishore Narayan, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/01/2020**

1. The challenge in the present writ petition is the rejection of the nomination paper of the petitioner to the post of Member, Janpad Panchayat, Kurud, District Dhamtari. The challenge is also to the election certificate issued on 09.01.2020.
2. The grievance of the petitioner is that the rejection of the nomination of the petitioner has been done by the Commissioner, Raipur

division on 09.01.2020, which was beyond authority and power under the Election Laws, therefore the rejection is ***per se*** bad in law and as such declaring of the results and the issuance of the certificate is ***per se*** null and void and is not acceptable and the order deserves to be set-aside/quashed and the petitioner should be permitted to participate in the election process.

3. At the outset, this Court is of the firm view that since rightly or wrongly the nomination of the petitioner stands rejected and subsequently, the sole candidate left out in the fray i.e. the respondent No.6 has been declared as a winning candidate and the election certificate also has been issued (Annexure P/3), the only recourse available to the petitioner now would be to raise an election petition under **Section 122** of the **Chhattisgarh Panchayat Raj Adhiniyam, 1993**.
4. The view of this Court stands fortified from the recent decision of the Division Bench of this Court in the case of “**Manoj Kanseri v. State of Chhattisgarh & Ors.**” **WPC No. 3540/2019**, decided on 02.12.2019 and also **WA No. 44/2020 (State of Chhattisgarh & Anr. v. Balluram Sahu & Ors.)**, decided on 14.01.2020.
5. Accordingly, the present writ petition reserving the right of the petitioner for availing the other remedy of election petition is dismissed.
6. Certified copy tomorrow.

Sd/-
(P. Sam Koshy)
Judge