

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 424 of 2020

Suraj Singh Rajput S/o Shri Narayan Singh Rajput Aged About 26 Years
Resident Of Village Gaduva, Police Station Than Khamhariya , Tahsil
Saja, District Bemetara Chhattisgarh

---- Petitioner

Versus

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

---- Respondents

For Petitioner	:	Mr. Bharat Rajput, Advocate
For State	:	Mr. Jitendra Pali, Dy. A. G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30.01.2020

1. Challenge in the present writ petition is to the rejection of the nomination papers of the petitioner for the post of Sarpanch of village Gaduva, Tahsil Saja, District Bemetara.
2. At the outset, this Court is of the opinion that the writ petition is not maintainable in view of the express bar provided under Article 243 (O) of the Constitution of India. Moreover, there is a statutory remedy provided under the Election Rules of 1995 governing the field wherein Rule 21 clearly depicts the improper rejection of nomination to be a ground for declaring the election to be void.

3. The view of this Court stands fortified from the decision of Supreme Court in the case of ***Avtar Singh Hit vs Delhi Sikh Gurudwara Management Committee and Others (2006) 8 SCC 487*** and recently the Division Bench of this Court in the case of ***Manoj Kansari vs. State of C.G.*** vide its judgment dated 02.12.2019 in WPC No. 3540 of 2019.
4. The writ petition accordingly stands rejected. Reserving the right of the petitioner to avail other remedies under the statute.

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