

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 203 of 2020**

Munni Bai Bhariya W/o Kuware Lal Bhariya Aged About 36 Years R/o Village- Parasi, Tahsil- Marwahi, District- Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Nawa Raipur Atal Nagar, District- Raipur, Chhattisgarh.
2. Collector, Bilaspur District- Bilaspur, Chhattisgarh.
3. Sub-Divisional Officer (R) Pendra Road, District- Bilaspur, Chhattisgarh.
4. Tahsildar - Cum - Returning Officer (Panchayat) Marwahi, District- Bilaspur, Chhattisgarh.
5. Devendra Kumar S/o Lallu Lal Kewat, R/o Village- Parasi, Tahsil- Marwahi, District- Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Malay Shrivastava, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/01/2020**

1. The challenge in the present writ petition is to the rejection of the nomination of the petitioner vide order dated 07.01.2020 by the respondent No.4-the returning officer.
2. At the outset, this Court is not inclined to entertain the writ petition for the reason that there is a specific bar under Article 243(O) of the Constitution of India, which restricts entertaining any election matter, except by way of an election petition.
3. Reserving the right of the petitioner to avail the remedy of preferring an election petition against the impugned order before the appropriate forum, the present writ petition stands disposed of.

4. The view of this Court stands fortified by 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 the judgment of this High Court in the case of **“Manoj Kansari v. State of Chhattisgarh & Ors.” (WPC No. 3540/2019)** decided on 02.12.2019.
5. Reserving the right of the petitioner to avail the statutory remedy the writ petition stands rejected as not maintainable at this juncture.

Sd/-
(P. Sam Koshy)
Judge

Ved