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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 221 of 2020**

Dilharan Suryawanshi S/o Shri Ramadhar Suryawanshi, Aged About 33 Years, R/o Village Chichirda, P.S. Chakarbhata, Tahsil Takhatpur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Panchayat, Mantralaya, Naya Raipur, Chhattisgarh
2. The Collector, District Bilaspur, Chhattisgarh
3. The Returning Officer (Panchayat), Janpad Panchayat Takhatpur, District Bilaspur, Chhattisgarh
4. The Sub Divisional Officer, Kota, District Bilaspur, Chhattisgarh
5. The Returning Officer (Panchayat) Cum Tahsildar, Tahsil Takhatpur, District Bilaspur, Chhattisgarh
6. Aaju Ram S/o Asha Ram, Aged About 50 Years, R/o Village Chichirda, P.S. Chakarbhata, Tahsil Takhatpur, District Bilaspur, Chhattisgarh
7. Dilip Suryawanshi S/o Late Shobha Ram, Aged About 42 Years, R/o Village Chichirda, P.S. Chakarbhata, Tahsil Takhatpur, District Bilaspur Chhattisgarh
8. Ram Prasad Suryawanshi S/o Ratiram, Aged About 60 Years, R/o Village Chichirda, P.S. Chakarbhata, Tahsil Takhatpur, District Bilaspur Chhattisgarh
9. Shatruhan Mehar S/o Late Shri Amoli, Aged About 50 Years, R/o Village Chichirda, P.S. Chakarbhata, Tahsil Takhatpur, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. S. Rajput, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy
Order On Board

20.01.2020

1. The challenge in the present writ petition is the improper acceptance of the nomination of respondents 6 to 9 by the respondent no.5.
2. At the outset, this Court is of the opinion that the writ petition would not be maintainable for the reason that it is an electoral process which is under challenge in the present writ petition and there is a specific bar envisaged under Article 243(O) of the Constitution of India. Moreover, the ground on which the writ petition has been filed is one of the grounds available to the candidate for raising an election petition under Rule 21 of the Chhattisgarh Panchayats (Election Petitions, Corrupt Practices and Disqualification for Membership) Rules, 1995 which prescribes improper acceptance of any nomination to be a ground for an election to be declared void.
3. The view of this Court stands fortified by the judgment of the Hon'ble Supreme Court in the case of **Avtar Singh Hit Vs. Delhi Sikh Gurdwara Management Committee and others** reported in **(2006) SCC 487** and also the recent judgment of the Division Bench of this Court in the case of **Manoj Kansari Vs. State of Chhattisgarh and others** decided on 02.12.2019 in **WPC No. 3540 of 2019**.
4. Accordingly, the writ petition stands rejected as not maintainable. The petitioner would be at liberty to avail other remedies open to him under the law.

Sd/-
P. Sam Koshy
Judge