

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 240 of 2020**

Dashmi Bai Belsariya W/o Late Pilu Ram Belsariya Aged About 71 Years
R/o Sadak Para, Palli, Kumharavand, Police Station Parpa, Jagdalpur,
District Bastar Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur Chhattisgarh
2. The District Election Officer - Cum - Collector District Bastar Chhattisgarh
3. Returning Officer - Cum Election In Charge Janpad Panchayat Jagdalpur, District Bastar Chhattisgarh
4. S.D.O. (Revenue) Cum Revisionary Auththority Janpad Panchayat, Jagdalpur, District Bastar Chhattisgarh
5. Shri Sunderlal Dhritlahare (Then In Charge Returning Officer) Tahsildar, Janpad Panchayat, Jagdalpur, District Bastar Chhattisgarh
6. Shri Pooran Bhardwaj S/o Lt. Ramdhar Bhardwaj Aged About 49 Years R/o Village And Post Kumharavand, Jagdalpur, District Bastar Chhattisgarh
7. Shri Uday Kumar Nag S/o Sonsingh Nag Aged About 38 Years R/o House No. 38, Uparpara, Gram Panchayat Kumharavand, Post - Kumharavand, Jagdalpur, District Bastar Chhattisgarh
8. Chhattisgarh State Election Commission Through The Secretary, Near D.K.S. Bhawan, Old Mantralaya Road, Moti Bagh, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rohit Sharma, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG
For Res. No.8	:	Mr. Rahul Kumar, on behalf of Mr. R. S. Marhas, Advocates

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

28/01/2020

1. The challenge in the present writ petition is to the action on the part of the respondent No.4 in exercising the revisional powers under Chattisgarh Panchayat Niravachan Rules, and passing the order dated 09.01.2020.
2. Contention of the petitioner is that prior to reference being made to the revisional authority for exercising the revisional powers under Rule 36 of the Nirvachan Rules of 1995, the returning officer had declared the petitioner as an unopposed elected candidate and election certificate also was issued to the petitioner. Therefore, the election process stood completed and thereafter the revisional authority was denuded all its power of revisional power under Rule 36.
3. Facts of the case which are undisputed is that the returning officer found that it was only the petitioner who was left in the fray as a candidate on the post of Sarpanch for Gram Panchayat Kumharavand, P.S. Parpa, Jagdalpur, District Bastar, Chhattisgarh. Since the petitioner was the sole candidate left in the fray the returning officer declared the petitioner as an unopposed elected candidate on 07.01.2020. Meanwhile, the respondent No.6 and 7 filed the revision before the revisional authority under Rule 36 of the Rules of 1995 on 09.01.2020 and revisional authority vide the impugned order dated 09.01.2020 has held that the order of the returning officer rejecting the nominations of those persons to be bad and setting aside the order of the returning officer it was directed to

proceed further with the election process and to hold election as per schedule.

4. At the outset, this Court is of the opinion that since there is an express bar under Article 243 O in entertaining the electoral dispute at this stage, the writ petition would not be maintainable. Moreover, if at all if the petitioner is aggrieved, the petitioner may prefer an election petition before the concerned authority challenging the action on the part of the respondents on the ground of competency and jurisdiction of the revisional authority in entertaining the revision under Rule 36 of the Nirvachan Niyam of 1995, particularly, in the light of the election results having been declared and petitioner being declared as an elected candidate.
5. With the aforesaid observations, the writ petition stands rejected.

Sd/-
(P. Sam Koshy)
Judge