

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 248 of 2020

1. Ganga Ram, S/o Budhra, Aged About 35 Years, R/o Village Budari, Janpad Panchayat Sukma, District : Sukuma, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District : Raipur, Chhattisgarh
2. Chhattisgarh State Election Commission, Through Its Secretary, Office At D.K.S. Bhawan (Old Mantralaya), Raipur, District : Raipur, Chhattisgarh
3. District Election Officer, Panchayat Election-Cum-Collector, District : Sukuma, Chhattisgarh
4. Returning Officer (Panchayat)-Cum-Tahsildar, Janpad Panchayat Sukma, District : Sukuma, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Praveen Dhurandhar, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.
For Respondent No. 2	:	Mr. Ranbir Singh Marhas, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21.01.2020

1. The challenge in the present writ petition is the action on the part of the respondents in not reflecting the name of the petitioner as a contesting party in spite of the fact that the returning officer had found the nomination to be proper and his nomination paper had been accepted.

2. Given the fact that the electoral process had commenced and the list of the contesting candidates with their symbols published and have been allotted to those candidates.
3. 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 of filing an election petition available to petitioner under Section 122 of the Panchayat Raj Adhiniyam for improper rejection of nomination paper and improper acceptance of nomination is also a ground for declaring the election to be void under rule 21 of concerned Election Rules, 1995. Accordingly, this Court is of the opinion that the writ petition is not maintainable.
4. 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.
5. The writ petition accordingly stands rejected. Reserving the right of the petitioner to avail other remedies under the statute.

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