

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 223 of 2020**

Smt. Chaturvasi Sidar W/o Shri Lakhan Sidar, Aged About 28 Years,
R/o Village Chikhli, Tahsil Pusaur, District Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Social Welfare Department, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh
2. The Collector Cum Election Officer/ District Returning Officer Panchayat / Local Body Election Raigarh, District Raigarh, Chhattisgarh
3. The Sub Divisional Officer / Block Returning Officer, Janpat Panchayat Pusaur, Raigarh, District Raigarh, Chhattisgarh
4. Smt. Saraswati Sidar W/o Shri Ravishankar Sidar, R/o Village Chikhli Tahsil Pusaur, District Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vineet Kumar Pandey, Advocate
For State	:	Mr. Ishan Verma, 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 respondent no.4 by the respondent no.3.
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 her under the law.

Sd/-
P. Sam Koshy
Judge