

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 282 of 2020

1. Rajesh Sahu, S/o Shatruhan Sahu, Aged About 35 Years, R/o Village Junwani, Post Doma, Janpad Panchayat-Dhamtari, Tahsil And District : Dhamtari, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Panchayat And Welfare Department, Mahanadi Bhavan, Mantralaya, New Raipur, District : Raipur, Chhattisgarh
2. State Election Commission Through Commissioner, Old Building D.K.S. Bhawan Raipur, District : Raipur, Chhattisgarh
3. Collector Dhamtari, District : Dhamtari, Chhattisgarh
4. Sub Divisional Officer (Revenue) Dhamtari, District : Dhamtari, Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat Dhamtari, District : Dhamtari, Chhattisgarh
6. Tahsildar, Tahsil Dhamtari, District : Dhamtari, Chhattisgarh
7. Returning Officer (Panchayat), Janpad Panchayat Dhamtari, District : Dhamtari, Chhattisgarh
8. Ritesh Kumar Nagarchi, S/o Shri Ananda Nagarchi, R/o Village Junwani, Post-Doma, Tahsil And District : Dhamtari, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. R.S. Patel, Advocate
For State	:	Mr. Ishan Verma, Panel Lawyer
For Respondent No. 2	:	Mr. Shivraj Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.01.2020

1. The challenge in the present writ petition is to the acceptance of the nomination of the Respondent No. 8 on the post of Sarpanch, Gram Panchayat: Junwani under Janpad Panchyat: Dhamtari, Tahsil and District: Dhamtari.
2. 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 provided under the Election Rules of 1995 governing the field wherein Rule 21 clearly depicts the improper acceptance of nomination to be a ground for declaring the election to be void. Accordingly, this Court is of the opinion that the writ petition is not maintainable.
3. 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.
4. The writ petition accordingly stands rejected. Reserving the right of the petitioner to avail appropriate remedies open to him under the provisions of law.

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