

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 251 of 2020

1. Jogiram Verma, S/o Shri Dashrath Verma, Aged About 52 Years,
Resident of Village- Takam, Tahsil Berla, District : Bemetara,
Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department of Panchayat
And Rural Development, Mahanadi Bhawan, Mantralaya, Naya
Raipur, District : Raipur, Chhattisgarh
2. Chhattisgarh State Election Commission Near D.K.S. Bhawan
Raipur, District : Raipur, Chhattisgarh
3. Commissioner Cum Director, Directorate of Panchayat, Atal Nagar
New Raipur, District : Raipur, Chhattisgarh
4. Collector-Cum-District Election Officer, District : Bemetara,
Chhattisgarh
5. Returning Officer (Panchayat) Janpat Panchayat, Berla, District :
Bemetara, Chhattisgarh
6. Sub Divisional Officer, Saja, District : Bemetara, Chhattisgarh
7. Commissioner, Durg Division, District : Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Keshav Dewangan, 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

23.01.2020

1. The challenge in the present writ petition is to the rejection of
nomination paper of the petitioner for election to the office of

panchayat, Janpad Panchayat, village: Takam Ward No. 5, District: Bemetara.

2. At the outset, this Court is of the opinion that the writ petition would not be 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.
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 other remedies under the statute.

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