

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 297 of 2020**

Gayatri Prasad Raisagar S/o Dayaluram Raisagar Aged About 41 Years
R/o Village Kachanda Police Station Navagarh, District Janjgir-Champa,
Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development, Mantralaya, Naya Raipur, Chhattisgarh
2. State Election Commission Office Through State Election Officer Raipur, Chhattisgarh
3. District Election Officer Cum Collector District Janjgir-Champa, Chhattisgarh
4. Assistant Returning Officer Panchayat Janpad Panchayat, Navagarh, District Janjgir-Champa, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Krishna Tandon, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG
For Res.	:	Mr. Anubhuti 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 cancellation of the nomination of the petitioner to the post of Sarpanch of Gram Panchayat, Kachanda in district Janjgir-Champa.
2. At the outset, this Court is of the opinion that the writ petition would not be maintainable and there is a specific bar under Article 243 O of the Constitution of India. Moreover, the petitioner has an alternative remedy under Section 122 of the Chhattisgarh Panchayat Raj Adhiniyam, wherein Rule 21 of the concerned Election Petition Rules

of 1995 clearly stipulates the illegal rejection of nomination also to be a ground for declaring the election to be void.

3. Reserving the right of the petitioner to avail aforesaid remedy, if he so chooses, the writ petition accordingly stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit