

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 410 of 2020**

Raj Kumari Sahu W/o Jitendra Kurre Aged About 25 Years R/o Village Chakala, Chowki Chilfi, Police Station And Tahsil Lormi, District Mungeli, Chhattisgarh., District : Mungeli, 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 Mungeli, Chhattisgarh
4. Sub Divisional Officer Lormi, District Mungeli, Chhattisgarh.
5. Returning Officer (Panchayat)-Cum-Tahsildar Janpad Panchayat Lormi, District Mungeli, Chhattisgarh.
6. Smt. Saraswati Yadav R/o Village Chakala, Chowki Chilfi, Police Station And Tahsil Lormi, District Mungeli, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. B.P. Banjare, Advocate
For State	:	Mr. Jitendra Pali, Dy. A. G.
For Respondents	:	Mr. Ranbir Singh Marhas, Advocate with Mr. Aman Tamboli, Adv.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31.01.2020

1. Challenge in the present writ petition is to the rejection of the nomination papers of the petitioner for the post of Sarpanch of village Panchayat Chakala, Tahsil Lormi, District Mungeli.
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 rejection of nomination to be a ground for declaring the election to be void.

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**