

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 386 of 2020

Rohit Paraste S/o Jaiprakash Paraste Aged About 35 Years R/o Village Lohari, Tahsil Marwahi, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. The Chhattisgarh State Election Commission Through The Secretary, Near Dau Kalyan Singh Bhawan, Raipur, District Raipur, Chhattisgarh
3. Sub-Divisional Officer (Revenue) Pendra Road, District Bilaspur, Chhattisgarh.
4. Returning Officer/ Tahsildar Marwahi, Panchayat Election, District Bilaspur, Chhattisgarh.
5. Paras Singh Armo S/o Krupal Singh Armo Aged About 30 Years R/o Lohari, Tahsil Marwahi, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Aman Kesharwani, Advocate
For State	:	Ms. Abhyunnati Singh, P.L.
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 for Gram Panchayat Lohari, Tahsil Marwahi, District Bilaspur.
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**