

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 421 of 2020**

Jawahar Lal Gabel S/o Binda Prasad Gabel Aged About 53 Years R/o
Village Vicharpur, Tahsil Mungeli, District Mungeli Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary , Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan , Naya Mungeli , District Mungeli Chhattisgarh
2. Collector Cum Electoral Officer District Mungeli Chhattisgarh
3. Sub- Divisional Officer Mungeli, District Mungeli Chhattisgarh
4. Chief Executive Officer Janpad Panchayat Mungeli, District Mungeli Chhattisgarh
5. Dataram Gabel S/o Kejuram Gabel Ward No. 6 R/o Village Vicharpur, Tahsil Mungeli, District Mungeli Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Faisal Akhtar, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG
For State Election Commission	:	Mr. Rahul Kumar, on behalf of Mr. R. S. Marhas, Advocates

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/01/2020

1. The challenge in the present writ petition is to the election process initiated for Ward No.6 of the Village- Vicharpur, Tahsil & District Mungeli.
2. Challenge in on the ground of the respondents illegality transferring a group of voters from other wards into Ward No.6 without there being any sort of application made on their behalf and also without there being any proper proof of those persons being the resident of Ward No.6. According to the counsel for the petitioner, this has been done

at the behest of the respondent No.5 who has also filed the nomination for being elected as a member of Ward No.6 under Gram Panchayat – Vicharpur.

3. Perusal of the record reveals that State Election Commission which is conducting elections is not made a party before this Court. Counsel for the petitioner makes a oral prayer for impleading the State Election Commission a necessary party. On due consideration, the same stands allowed. Let necessary amendment be carried out during the course of the day itself.
4. During the course of argument, it has been revealed that election has already begun for the said Ward and it is being held today i.e. on 28.01.2020.
5. Given the fact that the election has already begun, it would not be appropriate for this Court at this juncture to interfere with the election matters, particularly, when there is an express bar under Article 243 O of the Constitution of India by this Court to entertain the writ petition. The petitioner would be at liberty to approach the State Election Commission for ventilating his grievance both in respect of shifting of the names of the voters from one ward to another ward and also transferring the name of the voters without there being any application made by them.
6. Subject to the petitioner approaching the State Election Commission it is expected that State Election Commission on due verification of facts shall take appropriate steps at the earliest.
7. With the aforesaid observations, the writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge