

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 695 of 2020**

Vijay Mandavi S/o Shri Jeevnu Ram Mandavi Aged About 52 Years  
Resident Of Village And Post Udkuda Tahsil - Charama, District North  
Bastar Kanker, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department , Mahanadi Bhawan, Mantralaya, Nawa Raipur, Chhattisgarh
2. The State Election Commission Chhattisgarh Through The Secretary, The State Election Commission Chhattisgarh, Near Dau Kalyan Singh Bhawan (Old Mantralaya), Raipur, District Raipur, Chhattisgarh
3. The Collector District North Bastar Kanker, Chhattisgarh
4. The Sub-Divisional Officer (Revenue) Charama Sub-Division, District North Bastar Kanker, Chhattisgarh

---- **Respondents**

|                |   |                                                              |
|----------------|---|--------------------------------------------------------------|
| For Petitioner | : | Mr. Goutam Khetrapal with<br>Mr. Amit Kumar Sahu, Advocates  |
| For State      | : | Ms. Abhyunnati Singh, PL                                     |
| For Res. No.2  | : | Mr. Rahul Kumar, on behalf of<br>Mr. R. S. Marhas, Advocates |

**Hon'ble Shri Justice P. Sam Koshy**  
**Order on Board**

**19/02/2020**

1. The challenge in the present writ petition is to the cancellation of the election to the post of President which was held for the Janpad Panchayat Charama.
2. Contention of the petitioner is that the petitioner is one of the elected members of the Janpad Panchayat Charama. The election to the post of president was initially held on 13.02.2020 and results were also declared and that subsequently on the basis of complaints made

by the persons who were not members to the said Janpad Panchayat and also were not the contesting candidates in the said elections being filed complaint before the Returning Officer. That taking the contents of the said complaint without proper assessment and verification the elections have been canceled and fresh elections have been ordered vide Annexure P-1 Dated 14.02.2020.

3. The date of election fixed by the Authorities is 19.02.2020 and by this time the substantial voting has already been undergone today. It is more relevant at this juncture to consider the express bar under Article 243 O of the Constitution of India which specifically envisages that High Court not to entertain petitions arising out of the dispute pertaining elections to the Panchayats. The remedy available to the petitioner is that of raising an election petition under Section 122 of the Panchayat Raj Adhiniyam which would include a situation given in the present case.
4. Reserving the right of the petitioner to avail the remedy as provided under Section 122, the present writ petition in its present form stands rejected.

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