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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 699 of 2020**

Smt. Parmila Bai Shikari W/o Shri Mahendra Kumar Shikari, Aged About 29 Years, R/o Ward No. 11, Village Chorchadeori, Post Khairadangania, Police Station Ratanpur, Janpad Panchayat Bilha, Tahsil Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Government of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Civil And Revenue District Raipur, Chhattisgarh
2. Collector Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh
3. Sub Divisional Officer (Revenue) Bilaspur / Prescribed Authority, Civil And Revenue District Bilaspur, Chhattisgarh
4. Tahsildar /Returning Officer (Panchayat Election) Bilha, Civil And Revenue District Bilaspur, Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat Bilha, Civil And Revenue District Bilaspur Chhattisgarh
6. Presiding Officer, Polling Booth No. 80, Janpad Panchayat Bilha, Civil And Revenue District Bilaspur, Chhattisgarh
7. Presiding Officer Polling Booth No. 81, Janpad Panchayat Bilha, Civil And Revenue District Bilaspur, Chhattisgarh
8. Smt. Anjali Yadav W/o Shri Krishna Kumar Yadav, Aged About 26 Years R/o Ward No. 8, Village Chorchadeori, Post Khairadangania, Police Station Ratanpur, Janpad Panchayat Bilha, Tahsil Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh

9. Smt. Priyanka Shikari W/o Shri Rishi Shikari, Aged About 31 Years R/o Ward No. 11, Village Chorchadeori, Post Khairadangania, Police Station Ratanpur, Janpad Panchayat Bilha, Tahsil Bilaspur, Civil And Revenue District Bilaspur Chhattisgarh
10. Smt. Raveena Bai Shikari W/o Shri Manoj Kumar Shikari Aged About 25 Years R/o Ward No. 9, Village Chorchadeori, Post Khairadangania, Police Station Ratanpur, Janpad Panchayat Bilha, Tahsil Bilaspur, Civil And Revenue District Bilaspur Chhattisgarh
11. Smt. Savitri Bai Gond W/o Shri Budhwar Gond, Aged About 31 Years R/o Ward No. 2, Village Chorchadeori, Post Khairadangania, Police Station Ratanpur, Janpad Panchayat Bilha, Tahsil Bilaspur, Civil And Revenue District Bilaspur Chhattisgarh
12. Smt. Surekha Patel W/o Shri Manoj Patel, Aged About 27 Years R/o Ward No. 4, Village Chorchadeori, Post Khairadangania, Police Station Ratanpur, Janpad Panchayat Bilha, Tahsil Bilaspur, Civil And Revenue District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. K. A. Ansari, Sr. Advocate with Mr. Ramesh Nayak, Advocate
For State	:	Mr. Somkant Verma & Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

26.02.2020

1. The relief sought by the petitioner in the present writ petition is for an appropriate direction to the respondents to recount the votes casted for the post of Sarpanch for Gram Panchayat, Chorchadeori, Janpad Panchayat Bilha, District Bilaspur (CG).
2. At the outset, this Court is of the opinion that since there is an express

bar under Article 243(O) of the Constitution of India, the writ petition as such in respect of election matter would not be maintainable. The only remedy available to the petitioner would be that of raising an election petition under Section 122 of the Panchayat Raj Adhiniyam.

3. The view of this Court stands fortified by the judgment of the Hon'ble Supreme Court in the case of **Avtar Singh Hit Vs. Delhi Sikh Gurdwara Management Committee and others** reported in **(2006) 8 SCC 487** and also the recent judgment of the Division Bench of this Court in the case of **Manoj Kansari Vs. State of Chhattisgarh and others** decided on 02.12.2019 in **WPC No. 3540 of 2019**.
4. Reserving the right of the petitioner to raise all those grounds that she has raised in the present writ petition in the election petition for challenging the same which the Tribunal may decide as expeditiously as possible, the writ petition stands rejected as not maintainable.

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