

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 701 of 2020**

Smt. Mamta Pankaj Rathore W/o Shri Pankaj Rathore, Aged About 29 Years, R/o Ward No. 4, Village And Post Portha, Police Station And Tahsil Sakti, Civil And Revenue District Janjgir Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Government Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Civil And Revenue District Raipur Chhattisgarh
2. Collector Janjgir, Civil And Revenue District Janjgir Champa Chhattisgarh
3. Sub Divisional Officer (Revenue) Sakti/ Prescribed Authority, Civil And Revenue District Janjgir Champa, Chhattisgarh
4. Tahsildar/ Returning Officer (Panchayat Election) Sakti, Civil And Revenue District Janjgir Champa, Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat Sakti, Civil And Revenue District Janjgir Champa Chhattisgarh
6. Presiding Officer, Polling Booth No. 212, Janpad Panchayat Sakti, Civil And Revenue District Janjgir Champa, Chhattisgarh
7. Presiding Officer, Polling Booth No. 213, Janpad Panchayat Sakti, Civil And Revenue District Janjgir Champa, Chhattisgarh
8. Presiding Officer, Polling Booth No. 214, Janpad Panchayat Sakti, Civil And Revenue District Janjgir Champa, Chhattisgarh
9. Presiding Officer, Polling Booth No. 215, Janpad Panchayat Sakti, Civil And Revenue District Janjgir Champa Chhattisgarh

10. Presiding Officer, Polling Booth No. 216, Janpad Panchayat Sakti, Civil And Revenue District Janjgir Champa, Chhattisgarh
11. Presiding Officer, Polling Booth No. 217, Janpad Panchayat Sakti, Civil And Revenue District Janjgir Champa, Chhattisgarh
12. Presiding Officer, Polling Booth No. 218, Janpad Panchayat Sakti, Civil And Revenue District Janjgir Champa Chhattisgarh
13. Presiding Officer, Polling Booth No. 219, Janpad Panchayat Sakti, Civil And Revenue District Janjgir Champa Chhattisgarh
14. Smt. Madhu Shyam Rathore W/o Shri Shyam Rathore, Aged About 41 Years, R/o Ward No. 4, Village And Post Portha, Police Station And Tahsil Sakti, Civil And Revenue District Janjgir Champa Chhattisgarh
15. Smt. Pushpa Bai Rathore, W/o Shri Banshilal Rathore, Aged About 47 Years, R/o Ward No. 2, Village And Post Portha, Police Station And Tahsil Sakti, Civil And Revenue District Janjgir Champa Chhattisgarh
16. Smt. Sunita Rathore W/o Shri Murli Rathore, Aged About 37 Years, R/o Ward No. 14, Village And Post Portha, Police Station And Tahsil Sakit, Civil And Revenue District Janjgir Champa, 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, Portha, Janpad Panchayat Sakti, District Janjgir Champa (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