

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 753 of 2020

Atul Yadav S/o Late Shri Radheshyam Yadav Aged About 29 Years R/o
Gram Patna, Parsa Para, Baikunthpur-Koriya, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Its Secretary Department Of Panchayat Mahanadi, Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Chhattisgarh State Election Commission Through Chief Election Commissioner, Chhattisgarh State Election Commission, Near D K S Bhawan (Old Mantralay), Raipur, Chhattisgarh.
3. Collector Baikunthpur, District Koriya, Chhattisgarh.
4. Sub-Divisional Officer (Revenue) Baikunthpur, District Koriya, Chhattisgarh.
5. Tarun Jaiswal S/o Banarasi Prasad Jaiswal Aged About 40 Years District Koriya, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Faisal Akhtar, Advocate.
For State	:	Ms. Abhyunnati Singh, Panel Lawyer.
For Respondent 2	:	Shri RS Marhas, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.03.2020

1. The grievance of the petitioner in this petition was to the election to the post of Ward Member for Ward No.19 in Gram Panchayat, Patna, Tehsil Baikunthpur, District Koriya.
2. The challenge is to the candidature of the respondent No.5. The perusal of record would show that the elections were held on 28.01.2020 and results were declared on 30.01.2020 and the respondent No.5 has been declared as elected candidate and certificate of election has already been issued to the respondent No.5.
3. Given the aforesaid facts and circumstances of the case, this court is of the opinion that the only recourse now available to the petitioner would be to resort the remedy under Section 122 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (in short, the Adhiniyam, 1993). Further reason not to

entertain the petition is the express bar provided under Article 243-O of the Constitution of India.

4. Accordingly, reserving the right of the petitioner to avail the aforesaid remedy, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder