

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 775 of 2020

Kamta Prasad Bhariya S/o Shri Kanhaiya Lal Bhariya Aged About 41 Years R/o Village Lotlota, Post Gopalpur, Tahsil Katghora, District Korba Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Panchayat And Rural Development, Mantralaya, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh.
2. The Collector Korba, District Korba Chhattisgarh.
3. The Sub Divisional Officer (Revenue) Katghora, District Korba Chhattisgarh.

---Respondents

For Petitioner	:	Shri Anand Shukla, Advocate.
For State	:	Shri Somkant Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.03.2020

1. The limited grievance that the petitioner has raised in this petition is that the petitioner had filed his nomination papers for the post of Member of Gram Panchayat, Lotlota, Tehsil Katghora, District Korba. The nomination of the petitioner was rejected on the ground that he does not belong to the particular caste to which he was claiming and contesting the election. According to the petitioner, subsequently the lone candidate Gyaneshwari Tanwar was declared elected.
2. The grievance of the petitioner now is that, he had approached the respondent No.3 by way of an election petition under Section 122 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (in short, the Adhiniyam, 1993), which the respondent No.3 has orally refused to accept on the ground that he had earlier rejected his nomination papers.
3. This contention of the petitioner if it is to be accepted then the action on the part of the respondent No.3 is arbitrary, illegal and bad in law.

4. Since the petitioner still has time to raise an election petition, this court is of the opinion that ends of justice would meet if the petitioner is permitted to approach the respondent No.3 afresh either today or by tomorrow by way of duly constitution election petition under Section 122 of the Adhiniyam, 1993. Subject to verification of the fact whether the petitioner has approached the respondent No.3 on an earlier occasion or not, and on the petitioner's filing the election petition, the Sub Divisional Officer shall entertain the same as per the requirement of law and proceed further and decide the same on its own merit.
5. With the aforesaid observations, the writ petition stands disposed of.
6. Certified copy today.

Sd/-
(P. Sam Koshy)
Judge

inder