

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 890 of 2020

Lakhu Ram Baghel S/o Shri Cheragu Baghel Aged About 31 Years R/o Gram Panchayat Bodanpal - 01, Matagudipara, Post Office Badechakwa, Block Bastar, Tahsil and District Bastar Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development , Ministry, Mahanadi Bhavan, Atal Nagar, New Raipur , District Raipur Chhattisgarh.
2. Chhattisgarh State Election Commission Through The Chief Election Commissioner , Near D.K.S. Building (Old Ministry) Raipur, District Raipur Chhattisgarh.
3. The Collector Cum District Election Officer District Bastar Chhattisgarh.
4. The Sub Divisional Officer (Revenue) Jagdalpur , District Bastar , Chhattisgarh.
5. Returning Officer (Panchayat) Gram Panchayat Bodenpal - 1, District Bastar , Chhattisgarh.
6. Shri Phool Singh Baghel S/o Late Shri Baisakhu Baghel Aged About 56 Years R/o Village Bodanpal - , Matagudipara, Post Badechakwa, Tahsil Bastar, District Bastar Chhattisgarh.
7. Shri Madhu Mourya S/o Late Shri Parsadi Mourya Aged About 55 Years R/o Village Pallichakwa, Post Office Badechakwa, Tahsil Bastar, District Bastar, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Alok Dewangan, Advocate.
For State	:	Shri Anmol Sharma, Panel Lawyer.
For Respondent No.2	:	Shri R.S. Marhas, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.03.2020

1. The relief sought for by the petitioner in this petition is for an appropriate direction to the respondents to recount the votes held in polling booth No.179 at Pallichakwa and polling booth No.178-Bodenpal for the post of Sarpanch of Gram Panchayat, Bodanpal -01, Tehsil and District Bastar.
2. Considering the fact that there is express bar under Article 243-O of the Constitution of India and the fact that the results in the instant case has been declared as early as on 31.01.2020, this court is of the opinion that

the writ petition at this juncture would not be sustainable and the only remedy available to the petitioner is that of preferring an Election Petition in respect of his grievances.

- 3.** Accordingly, reserving the right of the petitioner to avail the said remedy as per law, the present writ petition stands dismissed as not maintainable.

Sd/-
(P. Sam Koshy)
Judge

inder