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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 4078 of 2019**

- Raushan Singh, S/o Late Sudhir Singh, aged about 29 years, R/o Vinoba Nager, Nagar Nigam Bilaspur, P.S. Tarbahar, District Bilaspur C.G.

**----Petitioner**

**VERSUS**

1. State of Chhattisgarh through the Secretary, Urban Administration Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur C.G.
2. The Commissioner, State Election Commission, Near D.K.S. Bhawan, Old Mantralaya Road, Motibagh Raipur C.G.
3. The Secretary, State Election Commission, Near D.K.S. Bhawan, Old Mantralaya Road, Motibagh Raipur, District Raipur C.G.

**-----Respondents**

**with**

**WPC No. 4084 of 2019**

- Ashok Chawlani S/o Late Motilal Chawlani aged about 54 Years R/o Moti Bhawan, 59, Transport Nagar, Police Station C.S.E.B. Tehsil and District Korba Chhattisgarh., District : Korba, Chhattisgarh

**-----Petitioner**

**VERSUS**

1. State of Chhattisgarh Through Principal Secretary, Mahanadi Bhawan, Atal Nagar, Raipur., District : Raipur, Chhattisgarh
2. Secretary Department of Law and Legislative Affairs, Mahanadi Bhawan, Atal Nagar, Raipur.
3. Secretary State Election Commission, D.K.S. Bhawan Raipur Chhattisgarh.

**-----Respondents**

**with**

**WPC No. 4099 of 2019**

- Rupesh Soni S/o Shri Vinod Kumar Soni aged about 46 Years R/o 76, Transport Nagar, Indira Vihar Colony, Police Station C.S.E.B. Tehsil and District Korba.

**-----Petitioner**

**VERSUS**

1. State of Chhattisgarh Through Principal Secretary, Mahanadi Bhawan, Atal Nagar, Raipur., District : Raipur, Chhattisgarh
2. Secretary Department of Law and Legislative Affairs, Mahanadi Bhawan, Atal Nagar, Raipur.
3. Secretary State Election Commission, D.K.S. Bhawan Raipur Chhattisgarh.

**-----Respondents**

**with**

**WPC No. 4119 of 2019**

- Aivaj Dewangan S/o Late Shri Phool Singh Dewangan, aged about 42 Years R/o Trimurti Nagar, Ward No. 31, Nagar Nigam Birgaon, Police Station Urla, Tehsil and District Raipur Chhattisgarh -----**Petitioner**

**VERSUS**

1. State of Chhattisgarh Through The Secretary, Urban Administration and Development Department, Mantralaya, Atal Nagar, District Raipur Chhattisgarh
2. C.G. State Election Commission, Through The Secretary, Near D.K.S. Bhawan, Old Mantralaya, Road, Motibagh Raipur, District Raipur Chhattisgarh

-----**Respondents**

**with**

**WPC No. 4136 of 2019**

- Dharamjeet Singh S/o Late Kalpnath Singh aged about 66 Years M.L.A., Lormi, R/o Motoshree, 27-Kholi, Vikas Nagar, Police Station Civil Line, District Bilaspur, Chhattisgarh. -----**Petitioner**

**VERSUS**

1. State of Chhattisgarh through the Secretary, Urban Administration Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur C.G.
2. The Commissioner, State Election Commission, Near D.K.S. Bhawan, Old Mantralaya Road, Motibagh Raipur C.G.
3. The Secretary, State Election Commission, Near D.K.S. Bhawan, Old Mantralaya Road, Motibagh Raipur, District Raipur C.G.

-----**Respondents**

**with**

**WPC No. 4137 of 2019**

- Ashok Vidhani S/o Late Relumal Vidhani aged about 58 Years Occupation Business, R/o Hemu Nagar Chowk, Bilaspur, District- Bilaspur, Chhattisgarh, Presently Speaker, Municipal Corporation, Bilaspur Elected Councilor, Ward No. 43, Rabindranath Tagore Ward, Bilaspur, Chhattisgarh. -----**Petitioner**

**VERSUS**

1. State of Chhattisgarh Through The Secretary, Department of Law and Legislative Affairs, Mahanadi Mantralaya, Atal Nagar, Post Office and Police Station Atal Nagar, District- Raipur, Chhattisgarh.

-----**Respondent**

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|--------------------------|----------------------------------------------------------------------------------------------|
| For Petitioners          | : Mr. Rohit Sharma, Mr. Prateek Sharma, Mr. Rajeev Shrivastva, Mr. Ashutosh Pandey, Advocate |
| For Respondent No. 2 & 3 | : Mr. R.S. Marhas, Advocate                                                                  |
| For Respondent-State     | : Mr. S.C. Verma, Advocate General with Mr. Sudeep Agrawal, Deputy Advocate General          |

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**Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**

**Hon'ble Shri Parth Prateem Sahu, Judge**

**Order on Board**

**Per P.R. Ramachandra Menon, C.J.**

**08/01/2020**

1. In this bunch of writ petitions, WPC No. 4078/2019 is taken as the lead case, wherein the specimen prayers are in the following terms:

“10.1 That, this Hon'ble Court may kindly be pleased to hold that the method of conducting election for Mayor via Indirect mode is violative of constitutional scheme of equality and against political justice as enshrined in the preamble.

10.2 That this Hon'ble Court may kindly be pleased to call the entire records pertaining to the necessity and exigency that exist to bring in the impugned ordinance, from the respondents.

10.3 That, this Hon'ble Court may kindly be pleased to hold that the impugned ordinance dated 25.10.2019 (ANNEXURE P/1) is arbitrary, unconstitutional, and without any reason and exigency or necessity.

10.4 That this Hon'ble Court may kindly be pleased to hold that the amendments brought into the sections of the act, by the impugned ordinance dated 25.10.2019 **(ANNEXURE P/1)** is arbitrary, unconstitutional, and without any reason and exigency or necessity.

10.5 This Hon'ble Court may kindly be pleased to hold that impugned ordinance is unconstitutional, as the amendment brought into effect from 25.10.2019 nullifies the legal holding of post by present office bearer in capacity as Mayor, being holding the post without any provision to the effect under the amended act.

10.6 This Hon'ble Court may kindly be pleased to grant any other relief which may be deem fit in the given facts and circumstances of the instant case.

10.7 Cost of the petition.”

2. Heard the learned counsel for the petitioners as well as learned counsel representing the State and the learned counsel appearing for respondent No. 2 & 3.
3. It is now brought to the notice of this Court by the learned counsel representing the parties that the Ordinance (Annexure P-1 dated 25-10-2019) which is now put under challenge has subsequently got transformed into a legislative enactment.

4. In the said circumstances, these writ petitions are disposed of without prejudice to the rights and liberty to the petitioners to challenge the enactment, if they are aggrieved in any manner, by raising appropriate pleadings and prayers in this regard.

Sd/-  
**(P.R. Ramachandra Menon)**  
Chief Justice

Sd/-  
**(Parth Prateem Sahu)**  
Judge

Pawan