

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 971 of 2021

- Smt. Char Bai Sahu W/o Shri Khedram Sahu Aged About 55 Years
R/o Gram Panchayat Devri, Janpad Panchayat Arang, District Raipur,
Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Collector, Raipur, District Raipur,
Chhattisgarh
2. Assistant Returning Officer (Tahsildar) Arang, District Raipur,
Chhattisgarh
3. Heera Bai W/o Shri Daulat Ram Aged About 40 Years
4. Smt. Kusum Sahu W/o Shri Poshan Lal Sahu Aged About 26 Years
5. Smt. Laxmi Sahu W/o Shri Bholeshwar Sahu Aged About 37 Years
6. Smt. Pramila Sahu W/o Shri Damodar Sahu Aged About 35 Years
7. Smt. Rukhmani Sahu W/o Shri Bishat Ram Aged About 60 Years
8. Smt. Uma Devi Sahu W/o Shri Bisauharam Sahu Aged About 55
Years

Respondents No. 3 to 8 are resident Of Village Devri, Tahsil Arang, District Raipur, Chhattisgarh.

9. Sub Divisional Officer (Revenue) Arang District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Dashrath Kushwaha, Advocate
For State	:	Mrs. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22/02/2021

1. Heard.
2. The present writ petition has been filed by the petitioner against the

order dated 21.12.2020 (Annexure P/1) whereby the application filed by the petitioner under Section 122 of the Chhattisgarh Panchayat Raj Adhiniyam 1993 (henceforth 'the Act 1993') was dismissed on the preliminary ground. According to the petitioner, the notification of the election was made on 28.01.2020 whereby the respondent No. 8 was declared as an elected Sarpanch. Thereafter, the petitioner had filed a election petition under Section 122 of the Act 1993 on 12.03.2020 inasmuch as the count of vote at two booths of 338 and 381 were not properly made.

3. Learned counsel for the petitioner submits that along with the election petition, an application for condonation of delay was also filed which was dismissed and eventually the election petition too was dismissed. Therefore, the order whereby the preliminary objection the election petition was dismissed is per se illegal.
4. On the admitted facts, when the election was declared on 28.01.2020 and it was not challenged within 30 days from the date of notification as per Section 122(2) of the Act 1993, the same was not tenable. Apart from that, as per Rule 80 Sub-Rule 5 of the Chhattisgarh Panchayat Nirvachan Niyam 1995 after declaration of the result the application to recounting of votes cannot be entertained as the petitioner has failed to file any application within the specified time.
5. Perusal of the order passed by the SDO dated 21.12.2020 is primarily on the ground whereby the election petition has been dismissed by upholding the preliminary objection. By taking into such fact that the application was filed beyond the period of time of 30 days and for the

recounting also, the application was also not filed immediately after the results were announced by Returning Officer, therefore, no illegality can be attached to the impugned order and no relief can be granted to the petitioner by way of this petition. The writ petition is hereby dismissed.

Sd/-

Goutam Bhaduri
Judge