

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.1931/04
Mohan Lal Vs. State of Raj. & Ors.

30.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Praveen Balwada for petitioner.
Shri B.S. Chhaba, Deputy Government Advocate
for State.
Shri Pyare Lal for respondents.

Controversy raised in this case is
squarely covered by the decision of Larger
Bench in the case of Smt. Sameera Bano Vs.
State of Raj. & Ors, D.B. Special Appeal (W)
No.236/06, decided on 2.4.2007 wherein it was
held as under:-

"that a pre-election disqualification
can be adjudicated only in an election
petition before the District Judge
under Section 43 of the Act read with
rule 80 of the Election Rules and
cannot be adjudicated by the authority
under rule 23 of the Rules."

Following the view taken by the larger
bench in Smt. Sameera Bano, supra, the writ
petition deserves to be allowed and is

accordingly allowed. The impugned order dated 26.3.04 is quashed and set aside and the petitioner is held entitled to continue to hold the office of Sarpanch, Gram Panchayat Palana.

(Mohammad Rafiq),J.

Rs/-