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C. S. 1002

IN THE HON'BLE HIGH COURT OF CHHATTISGARHAT BILASPURWRIT PETITION (C) NO. 6737 /2011PETITIONER /APPLICANT

: ✓ Sadhin Bai W/o. Mahettar, Caste :
Meher, (Laser) aged about : 42
years, R/o. Village : Chichirda, Gram
Panchayat : Chichirda, Tahsil :
Baloda Bazar, District : Raipur (C.G.).

VERSUSRESPONDENTS

- 1] State of Chhattisgarh, Through : The
Secretary, Department of Panchayat
& Rural Welfare, Mantralaya, D.K.S.
Bhawan, Raipur, District : Raipur
(C.G.).
- 2] The Collector, Raipur, District :
Raipur (C.G.).
- 3] The Sub Divisional Officer (Revenue),
Baloda Bazar : District Raipur (C.G.).
- 4] Kavita W/o. Om Prakash, aged about :
22 years, R/o. Village : Chichirda,
Sarpanch, Gram Panchayat : Chichirda
Tahsil : Baloda Bazar, District :
Raipur (C.G.).
- 5] Ashok Kumar Rathod, Sub Engineer,
Janpad Panchayat : Baloda Bazar / as
a In-charge Assistant Returning
Officer, in the Tristriya Panchayat
Chunav 2010, Gram Panchayat :

P.R. No. 7240/2011
Sadhin Bai W/o. Mahettar
14/11/2011



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Ahilda, Tahsil : Baloda Bazar, District
: Raipur (C.G.).

6] The Returning Officer, (Tahsildar)
Baloda Bazar, Tahsil : Baloda Bazar,
District : Raipur (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA .



HIGH COURT OF CHHATTISGARH, BILASPUR

SB: HON'BLE SHRI PRASHANT KUMAR MISHRA, J

WRIT PETITION (C) . No. 6737 of 2011

<u>PETITIONER</u>		Sadhin Bai
<u>Vs.</u>		
<u>RESPONDENTS</u>		State of Chhattisgarh and others

**WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA**

Appearance:

Shri Govind Dewangan, counsel for the petitioner.
Shri Avinash K. Mishra, Govt. Advocate for the State.

**JUDGMENT/ORDER
(31.07.2012)**

1. The final order dated 6.6.2011 (Annexure P-1) passed by the SDO (Revenue) Baloda Bazar in Election Petition u/s 122 of the Chhattisgarh Panchayat Raj Adhiniyam 1993 is under challenge before this Court. By the said order, the SDO (Revenue) has dismissed the petition filed by the petitioner on merits.

2. The election of Gram Panchayat Chichirda, Tahsil Baloda Bazar was held on 31.1.2010 electing respondent no.4 Kavita as Sarpanch of the said Gram Panchayat. In the election petition ((Annexure P-2), the only ground of challenge was that respondent No.4 had not attained the age of 21 years on the date of filing of nomination form, therefore, she was not entitled to contest the election and thus her election deserves to be annulled.

3. The Election Tribunal has found that on the date of election, respondent no.4 was aged about 21 years & 5 months, her

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date of birth being recorded as 24.07.1988, therefore, the ground raised by the petitioner that respondent no.4 was less than 21 years is not made out. The said finding has been recorded after elaborate discussion of the material available on record particularly the marks-sheet of the elected candidate wherein she had passed 8th Class examination in the year 2006. The petitioner did not submit any evidence contradicting the said recording of date of birth of the elected candidate to prove that she was less than 21 years of age on the date of election. It has also been observed that such objection regarding elected candidate being less than 21 years of age was not raised at the time of scrutiny of the nomination papers.

4. On perusal of the impugned order, this Court is satisfied that the only ground of challenge raised by the petitioner in the election petition has not at all been proved by the petitioner and the learned Election Tribunal has not committed any illegality in dismissing the election petition.

5. This writ petition being devoid of any substance, it deserves to be and is accordingly dismissed.

Sd/-
Prashant kumar Mishra
Judge