

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 440 OF 2020**

Karan Singh Sahu, Shri Tihari Sahu, aged about 58 years, R/o Village Ghotwani, Block Saja, Tahsil Saja, District Bemetara (CG)

... Petitioner

versus

1. State of Chhattisgarh, through the Secretary of Panchayat and Rural Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur (CG)
2. The Commissioner, Chhattisgarh State Election Commission, Nawa Raipur, District Raipur (CG)
3. The Collector and District Election Officer, District Bemetara (CG)
4. The Sub Divisional Officer (Revenue), Saja, District Bemetara (CG)
5. The Tahsildar & Returning Officer, Saja, District Bemetara (CG)
6. The Chief Executive Officer, Janpad Panchayat, Saja, District Bemetara (CG)
7. Ramavtar, S/o Dhanraj, aged about 42 years, R/o Village- Ghotwani, Block- Saja, Tahsil- Saja, District Bemetara (CG)

... Respondents

For Petitioner	:	Mr. Bharat Rajput, Advocate
For Respondents/State	:	Mr. Somkant Verma, Panel Lawyer.
For Respondent No.2	:	Mr. R.S. Marhas, Advocate along with Mr. Aman Tamboli, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31/01/2020

1. Challenge in the present writ petition is to the alleged illegal acceptance of the nomination of respondent no.7 for the post of Panch of Ward No.4 under Gram Panchayat Ghotwani, Block and Tahsil Saja, District Bemetara.
2. At the outset, this Court is of the opinion that the present writ petition is not maintainable in view of the express bar provided under Article 243 (O) of the Constitution of India. Moreover, there is a statutory remedy provided under the Election Rules of 1995 governing the field wherein Rule 21 clearly depicts the improper rejection of nomination to be a ground for declaring the election to be void.
3. The view of this Court stands fortified from the decision of Supreme Court in the case of **Avtar Singh Hit Vs. Delhi Sikh Gurudwara Management Committee & Others [2006 (8) SCC 487]** and also from the Division Bench decision of this Court in the case of **Manoj Kansari Vs. State of Chhattisgarh & Others** (WPC No. 3540 of 2019, decided on 02.12.2019).

4. The writ petition accordingly stands dismissed, reserving the right of the petitioner to avail appropriate remedy under the provisions of law.

Sd/-
(P. Sam Koshy)
Judge

/sharad/