

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1675 of 2020**

Smt. Sharda Sahu W/o Shri Loknath Sahu, Aged About 54 Years, R/o
Village Madeli, Tahsil Kurud, District Dhamtari, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat, Mantralaya, Village Rakhi, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
2. The Chhattisgarh State Election Commission, Through The Secretary, Near D K S Bhavan, Raipur, District Raipur, Chhattisgarh
3. The Commissioner, Raipur, District Raipur, Chhattisgarh
4. The District Election Officer (Panchayat)/Collector, Dhamtari, District Dhamtari, Chhattisgarh
5. Returning Officer / Tahsildar, Kurud Panchayat Election, District Dhamtari, Chhattisgarh
6. Smt. Yogeshwari Sahu W/o Shri Thakur Ram Sahu, Aged About 40 Years R/o Village Madeli, Tahsil Kurud, District Dhamtari, Chhattisgarh
7. Vandana Sahu W/o Tarun Sahu, Aged About 29 Years, R/o Village Kachna, Tahsil Kurud, District Dhamtari, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Mayank Chandrakar, Advocate
For State/R- 1, 3, 4 & 5	:	Mr. Jitendra Pali, Dy. Advocate General
For Respondent no.6	:	Mr. Prateek Sharma, Advocate on caveat

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31.07.2020**

1. The challenge in the present writ petition is to the order of the

respondent no.4 dated 27.07.2020 whereby the application under Order 7 Rule 11 of the C.P.C. filed by the petitioner has been rejected and the matter was fixed on 29.07.2020, on which date, after hearing the parties, the matter was fixed for orders on 31.07.2020 i.e. today.

2. It is pertinent to mention at this juncture that respondent no.6, on an earlier occasion, had filed a writ petition i.e. WPC No. 201/2020 and this Court had refused to entertain the same on 15.01.2020 holding that there is an alternative efficacious remedy of preferring an election petition. The said order dated 15.01.2020 was subjected to challenge in Writ Appeal No. 71/2020 wherein the Appellate Court had also affirmed the order of the Single Bench on 29.01.2020 with a direction to the competent authority to take an appropriate decision at the earliest preferably within 6 weeks.
3. Given the said stand taken by this Court at the first instance in the writ petition filed by the respondent no.6, this Court is of the firm view that this is not the proper stage to subject the proceedings of the election Tribunal under judicial review when the matter has already been heard and has been posted for final orders on 31.07.2020 i.e. today.
4. The grounds raised by the petitioner in the present writ petition would be available to the petitioner for challenging the same in the event the election petition is decided against the petitioner. This Court in exercise of its extraordinary writ jurisdiction or the power of judicial review would not scrutinize each and every stage of a proceeding in an election petition, particularly when on an earlier occasion this Court had refused to entertain a writ petition on merits in the light of there being an alternative remedy available. For the said reasons, this Court is not

inclined to entertain this writ petition at this juncture.

5. However, the right of the petitioner stands reserved to take all these grounds in case the election petition is decided against the petitioner.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge