



CGHC010039152026

2026:CGHC:26589

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 434 of 2026

1 - Pankaj Ratre S/o Parmeshwar Ratre Aged About 28 Years R/o
Village- Rajpur, Thana And Tahsil Lalpur, District- Mungeli, Chhattisgarh,
... Petitioner(s)

versus

1 - The State Of Chhattisgarh Through The Collector Cum District-
Election Officer Mungeli, District- Mungeli (C.G.).

2 - Mulchand Dahire S/o Kapil Das R/o Village Dayalpur Tahsil Lalpur
District- Mungeli Chhattisgarh,

3 - Dinesh Kumar Banjara S/o Azad Banjara R/o Village - Dahrakapa
Tahsil Lalpur District- Mungeli, Chhattisgarh,

4 - Diwanchand Satnami S/o Shivprasad Satnami R/o Village Barbaspur
Post- Chandeli District- Mungeli, Chhattisgarh,

5 - Lekhram Dahire S/o Ganesh Ram Dahire R/o Village- Kestarpur,
Kanteli, District- Mungeli, Chhattisgarh,

6 - Om Narayan Kuree S/o Mohan Kurre R/o Village- Bijarakapa Tahsil -
Lalpur, District- Mungeli, Chhattisgarh,

7 - The Tahsildar Cum Returning Officer (Panchayat) Lormi District- Mungeli (C.G.)

8 - The Assistant Returning Officer (Panchayat) Lormi District- Mungeli (C.G.)

9 - Nodal Officer Region No.23, Booth No.264, Janpad Panchayat Lormi, District- Mungeli Chhattisgarh,

10 - Nodal Officer Region No. 23, Booth No.265, Janpad Panchayat Lormi, District- Mungeli, Chhattisgarh,

11 - Nodal Officer Region No.23, Booth No.266, Janpad Panchayat Lormi, District- Mungeli Chhattisgarh,

12 - Nodal Officer Region No.23, Booth No.267, Janpad Panchayat Lormi, District- Mungeli Chhattisgarh,

13 - Nodal Officer Region No.23, Booth No.268, Janpad Panchayat Lormi, District- Mungeli Chhattisgarh,

14 - Nodal Officer Region No.23, Booth No.269, Janpad Panchayat Lormi, District- Mungeli Chhattisgarh,

15 - Nodal Officer Region No.23, Booth No.270, Janpad Panchayat Lormi, District- Mungeli Chhattisgarh,

16 - Nodal Officer Region No.23, Booth No.279, Janpad Panchayat Lormi, District- Mungeli Chhattisgarh,

17 - Nodal Officer Region No.23, Booth No.280, Janpad Panchayat Lormi, District- Mungeli Chhattisgarh,

18 - Nodal Officer Region No. 23, Booth No.290, Janpad Panchayat Lormi, District- Mungeli, Chhattisgarh,

19 - Nodal Officer Region No. 23, Booth No.291, Janpad Panchayat Lormi, District- Mungeli, Chhattisgarh,

20 - Nodal Officer Region No. 23, Booth No.292, Janpad Panchayat Lormi, District- Mungeli, Chhattisgarh,

21 - Nodal Officer Region No. 23, Booth No.293, Janpad Panchayat Lormi, District- Mungeli, Chhattisgarh,

22 - Nodal Officer Region No. 23, Booth No.294, Janpad Panchayat Lormi, District- Mungeli, Chhattisgarh,

23 - Nodal Officer Region No. 23, Booth No.295, Janpad Panchayat Lormi, District- Mungeli, Chhattisgarh,

24 - Nodal Officer Region No. 23, Booth No.296, Janpad Panchayat Lormi, District- Mungeli, Chhattisgarh,

25 - The Sub Divisional Officer (R) Lormi, District- Mungeli Chhattisgarh,

26 - The Janpad Panchayat Lormi Through Its Chief Executive, Officer, Lormi, District- Mungeli, Chhattisgarh,

... Respondent(s)

For Petitioner(s)	:	Mr. Sandeep Dubey, Advocate.
For Respondent(s)/State	:	Dr. Saurabh Kumar Pande, Dy. A.G.
For Respondents No. 3, 5 & 6	:	Ms. Deepeshwari Mahilwar, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

30/06/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ by quashing the impugned order dated 07.01.2026 (Annexure P-1) passed by the Collector Cum District Election Officer Mungeli, District- Mungeli and remand back the case to the respondent no.1 to proceed accordance with law within period of 2 months in the interest of Justice.

10.2 That, this Hon'ble Court may kindly be pleased to call for the record from the Collector Cum District Election Officer Mungeli, District Mungeli pertaining to the case for kind perusal of this Hon'ble Court.

10.3 That, this Hon'ble Court may kindly be pleased to direct the learned Collector for deciding the election petition after framing of issues and recording the evidence of parties in the matter.

10.4 Any other relief, which may be suitable in the facts and circumstances of the case, may also be granted.”

2. Brief facts of the case, is that the petitioner contested the election for the post of Member, Janpad Panchayat, Rajpur, Region No. 23, in which respondent No. 2 was declared elected. Being aggrieved by the election of respondent No. 2, the petitioner preferred an election petition under Section 122 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 before the specified authority, inter alia, seeking recounting of votes on the ground of alleged discrepancies in the number of votes recorded in

Form-18, Part-I. Notices were thereafter issued to the parties and the matter was taken up for hearing from time to time. The petitioner also filed an application seeking ex parte proceedings against respondent No. 2 on the ground of non-appearance despite service of notice. However, respondent No. 1, without framing issues or recording evidence of the parties, dismissed the election petition by the impugned order. Being aggrieved by the said order, the petitioner has preferred the present writ petition.

3. Learned counsel for the petitioner submits that respondent No. 1 has committed a manifest error of law in dismissing the election petition without following the mandatory procedure prescribed under Rule 11 of the Chhattisgarh Panchayats (Election Petitions, Corrupt Practices and Disqualification for Membership) Rules, 1995. He submits that, in terms of Rule 11 of the Rules of 1995, an election petition is required to be enquired into, as nearly as may be, in accordance with the procedure applicable to the trial of suits under the Code of Civil Procedure, 1908 and, therefore, respondent No. 1 was required to frame appropriate issues and afford the parties an opportunity to lead evidence and examine and cross-examine witnesses. Placing reliance upon the decision of this Court in *Balaram Rathore v. State of Chhattisgarh*, reported in AIR 2011 Chhattisgarh 134, learned counsel submits that framing of issues and examination of witnesses are necessary for proper adjudication of an election petition. He further submits that the impugned order, having been passed without framing issues

and recording evidence, is contrary to the statutory procedure and is, therefore, liable to be set aside. He accordingly prays that the matter be remitted to respondent No. 1 for deciding the election petition afresh, in accordance with law.

4. Learned counsel for the State as well as learned counsel appearing for respondent Nos. 3, 5 and 6 submit that they support the case and the pleadings put forth by the petitioner in the present writ petition. Learned counsel appearing for respondent Nos. 3, 5 and 6 further submits that the said respondents had also contested the election for the post of Member, Janpad Panchayat, Rajpur, Region No. 23 and had raised objections with regard to the counting of votes at the relevant point of time. It is submitted that the said respondents had also sought recounting of votes polled at all the booths on account of discrepancies and contradictions in the number of votes reflected in Form-18, Part-I. Learned counsel submit that respondent No. 1, while deciding the election petition preferred by the petitioner, failed to follow the procedure prescribed under the Chhattisgarh Panchayats (Election Petitions, Corrupt Practices and Disqualification for Membership) Rules, 1995 and dismissed the election petition without framing appropriate issues and without recording evidence of the parties. It is contended that the impugned order, having been passed without affording adequate opportunity to the parties to lead evidence and without adhering to the statutory procedure governing the adjudication of an election petition, suffers from a

patent procedural illegality and is contrary to the provisions of the Rules of 1995. They, therefore, submit that the impugned order is unsustainable in law and deserves to be set aside and the matter may be remitted to the competent authority for fresh adjudication of the election petition, strictly in accordance with the procedure prescribed under law.

5. Having heard learned counsel for the parties and perused the material available on record.
6. The Chhattisgarh Panchayats (Election Petitions, Corrupt Practices & Disqualification for Membership) Rules, 1995, framed under Section 95(1) read with sub-sections (1) & (3) of Section 122 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, lay down the procedure to be followed in election petitions. In particular, Rule 11 and Rule 12 are relevant, which are reproduced below: :

"Rule 11. Procedure before the specified officer and his powers - (1) Subject to the provisions of these rules, every election petition shall be enquired into by the specified officer as nearly, as may be, in accordance with the procedure applicable under the Code of the Civil Procedure, 1908 to the trial of suits :

Provided that it shall only be necessary for the specified officer to make a memorandum of the substance of the evidence of any witness examined by him.

Rule 12. Parties to produce their witnesses

– It shall be the duty of the parties to produce their witnesses on the date fixed for evidence, and they shall not be entitled to an adjournment for non-attendance of their witnesses:

Provided that the specified officer may, at his discretion, order the issue of summons to any witness on the necessary process fee and costs being deposited by the party concerned."

7. The Hon'ble Supreme Court in the matter of ***Makhan Lal Bangal vs. Manas Bhunia & Others, (2001) 2 SCC 652*** has laid down that an election petition is to be treated like a civil trial, requiring the framing of issues and the recording of evidence. The trial of an election petition must proceed in a manner similar to that of a civil suit, where the issues are framed, evidence is led, and the merits of the petition are examined. The summary dismissal of the petition at the preliminary stage, without framing issues or recording evidence, is contrary to the established legal procedure. Relevant paragraph of the said judgment is quoted below for ready reference :-

"19. An election petition is like a civil trial. The stage of framing the issues is an important one inasmuch as on that day the scope of the trial is determined by laying the path on which the trial shall proceed excluding diversions and departures therefrom. The date fixed for settlement of issues is, therefore, a date fixed for hearing. The real dispute between the

parties is determined, the area of conflict is narrowed and the concave mirror held by the court reflecting the pleadings of the parties pinpoints into issues, the disputes on which the two sides differ. The correct decision of civil lis largely depends on correct framing of issues, correctly determining the real points in controversy which need to be decided. The scheme of Order 14 of the Code of Civil Procedure dealing with settlement of issues shows that an issue arises when a material proposition of fact or law is affirmed by one party and denied by the other. Each material proposition affirmed by one party and denied by other should form the subject of a distinct issue. An obligation is cast on the court to read the plaint/petition and the written statement/counter, if any, and then determine with the assistance of the learned counsel for the parties, the material propositions of fact or of law on which the parties are at variance. The issues shall be framed and recorded on which the decision of the case shall depend. The parties and their counsel are bound to assist the court in the process of framing of issues. Duty of the counsel does not belittle the primary obligation cast on the court. It is for the Presiding Judge to exert himself so as to frame sufficiently expressive issues. An omission to frame proper issues may be a ground for remanding the case for retrial subject to prejudice having been shown to have resulted by the omission. The petition may be disposed

of at the first hearing if it appears that the parties are not at issue on any material question of law or of fact and the court may at once pronounce the judgment. If the parties are at issue on some questions of law or of fact, the suit or petition shall be fixed for trial calling upon the parties to adduce evidence on issues of fact. The evidence shall be confined to issues and the pleadings. No evidence on controversies not covered by issues and the pleadings, shall normally be admitted, for each party leads evidence in support of issues the burden of proving which lies on him. The object of an issue is to tie down the evidence and arguments and decision to a particular question so that there may be no doubt on what the dispute is. The judgment, then proceeding issue-wise would be able to tell precisely how the dispute was decided.”

8. The High Court of Allahabad in the matter of **Shahnawaz Ali v. Election Tribunal District Judge Muzaffarnagar and Others** has held that the election petition filed by respondent therein was within the statutory limitation period of 30 days as prescribed under Section 20 of the U.P. Municipalities Act, 1916. The Court emphasized that election laws, particularly those concerning limitation, must be interpreted strictly. However, it found no delay or procedural lapse significant enough to invalidate the petition. Relevant paragraph of the said judgement is quoted below for ready reference :

“10. As per Section 20, as mentioned above, election petition should be presented within 30 days after the date of which the result of election sought to be questioned is announced by the returning officer. I am convinced with the submissions as raised by learned counsel for the petitioner that election law should be interpreted strictly, particularly, with regard to the prescribed period of limitation for the purposes of entertaining the election petition inasmuch as there is no provision qua applicability of the Limitation Act, except Section 12(2) of the Limitation Act as enunciated under proviso to Section 23 of the Act, 1916. Therefore, the phrase “within 30 days” is relevant which starts from the date when result is announced by the returning officer. It is admitted to both the parties, and also a matter of record, that result of election for the post of President, Nagar Palika Parishad, Khatauli was declared on 13-5-2023, therefore, limitation for filing the election petition available to Respondent 2 was up to 12-6-2023. However, intending to avoid any delay, Respondent 2 has filed the election petition on 9-6-2023. Owing to summer vacations in the month of June, Respondent 2 has presented the election petition along with an application under Rule 13 of the Rules, 1957 for obtaining permission to file the election petition during vacation period. The Election Tribunal, owing to oppose made on behalf of the returned candidate, has rejected

the application to leave for filing the election petition. Thereafter, second attempt was made by Respondent 2 on 1-7-2023, however, again permission has not been granted for want of presence of the petitioner and, ultimately, vide order impugned dated 3-7-2023, election petition was admitted and ordered to be registered.

9. 13. *Thus, it is evident that the petitioner has attempted to present the election petition within 30 days of declaration of election result, however, same has been got registered on 4-7-2023 in pursuance of the order impugned dated 3-7-2023. In support of her submissions, learned counsel for the petitioner has placed reliance on the Full Bench decision of this Court in Sumitra Devi v. Special Judge/Additional District and Sessions Judge. In the cited judgment, provisions to file election petition under Section 12-C of the U.P. Panchayat Raj Act, 1947 (in brevity "Act, 1947") has been examined by the Full Bench of this Court with respect to the question referred before him, which are quoted hereinbelow: "1. Whether presentation of an election petition by the election petitioner personally is a mandatory requirement in view of sub-section (3) of Section 12 C(1) of the Act, 1947 and Rule 3(1) of the Rules, 1994 and whether it's non-compliance is fatal or it would merely be an improper presentation, a curable defect? 2. Whether the decision of the Single Judge Bench of this Court in Viresh Kumar Tiwari*

case 11 lays down the law correctly with regard to the question framed at Serial No. 1 or it is the Division Bench judgment in the case Lal Bahadur Singh case 12 and the subsequent Single Bench judgment in Urmila case 13 which lay down the law correctly?

21. In this conspectus, as above, in my considered opinion, Respondent 2 has presented election petition well within the prescribed period of limitation as enunciated under Section 20 of the Act, 1916. There is no apparent delay in filing the election petition to annul the same under Section 22 of Act, 1916 which denotes that not complying the provisions under Section 20 of the Act, 1916 would be resulted into rejection of election petition. Finding returned by learned Election Tribunal has not specifically been denied in the writ petition. Remaining point advanced by the learned counsel for the petitioner is still open to be raised before the Election Tribunal. There is no justifiable ground to entertain the instant writ petition and interfere in the order impugned dated 3-7-2023 passed by learned District Judge (Election Tribunal), which is hereby affirmed. There is no illegality, perversity or irregularity in the order under challenge so as to warrant the indulgence of this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. There is nothing on the record to demonstrate as to how the present petitioner is prejudiced, or if there is any likelihood of causing miscarriage of justice

to the petitioner, owing to the order under challenge.”

10. Upon due consideration of the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the petitioner had preferred an election petition under Section 122 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, calling in question the election of respondent No. 2 and, inter alia, seeking recounting of votes on the ground of alleged discrepancies and contradictions in the number of votes reflected in Form-18, Part-I. The record further reflects that notices were issued in the election petition and the matter was taken up for hearing from time to time. However, respondent No. 1, without framing issues and without affording the parties an opportunity to lead evidence in support of their respective pleadings, proceeded to dismiss the election petition by the impugned order dated 07.01.2026.
11. Rule 11 of the Chhattisgarh Panchayats (Election Petitions, Corrupt Practices and Disqualification for Membership) Rules, 1995 specifically provides that every election petition shall be enquired into by the specified officer, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 to the trial of suits. The aforesaid provision, when read with Rule 12 of the Rules of 1995, clearly contemplates an adjudicatory process wherein the real questions in controversy between the parties are required to be identified

and the parties are to be afforded an opportunity to produce their witnesses and lead evidence in support of their respective cases.

12. In the present case, the petitioner had raised specific allegations with regard to discrepancies in the number of votes recorded in Form-18, Part-I and had sought recounting of votes polled at the concerned booths. Respondent Nos. 3, 5 and 6, who had also contested the election, have supported the case of the petitioner and have stated that objections with regard to the counting of votes and the discrepancies reflected in Form-18, Part-I had also been raised by them. Thus, the pleadings before the specified authority disclosed disputed questions requiring proper adjudication in accordance with the procedure prescribed under the Rules of 1995.
13. This Court is of the considered opinion that, in view of the nature of the controversy raised in the election petition, respondent No. 1 ought to have framed appropriate issues on the basis of the pleadings of the parties and thereafter afforded them adequate opportunity to lead evidence in support of their respective claims. The election petition could not have been dismissed in a summary manner without framing issues and without recording evidence, particularly when specific factual disputes relating to the counting of votes and the entries recorded in Form-18, Part-I had been raised. The course adopted by respondent No. 1 is contrary to the procedure contemplated under Rule 11 of the Rules of 1995 and

the principles laid down by the Hon'ble Supreme Court in *Makhan Lal Bangal v. Manas Bhunia and Others*, (2001) 2 SCC 652, wherein the importance and necessity of framing issues in an election trial involving disputed questions of fact or law has been emphasized.

14. In view of the foregoing discussion, this Court finds that the impugned order dated 07.01.2026 (Annexure P/1), passed by the Collector-cum-District Election Officer, Mungeli, District Mungeli, suffers from a procedural illegality and cannot be sustained in the eyes of law. Accordingly, the impugned order dated 07.01.2026 (Annexure P/1) is hereby set aside. The matter is remanded back to respondent No. 1 for fresh adjudication of the election petition in accordance with law. Respondent No. 1 shall frame appropriate issues on the basis of the pleadings of the parties and shall afford adequate opportunity to all the parties to lead evidence in support of their respective cases and thereafter decide the election petition on its own merits, strictly in accordance with the provisions of the Rules of 1995.
15. Considering that the dispute pertains to an election matter, respondent No. 1 is directed to conclude the proceedings and decide the election petition as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a certified copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the rival claims of the

parties and all the issues are left open to be considered and decided by respondent No. 1 in accordance with law.

16. Accordingly, the writ petition stands **allowed** to the extent indicated hereinabove.

Sd/-
(Amitendra Kishore Prasad)
Judge

Raghu Jat