



2026:CGHC:12730



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1160 of 2026

1 - Prahlad Dinkar S/o Netram Dinkar Aged About 30 Years R/o Village Munund, Tahsil Janjgir, Distt. Janjgir Champa, Chhattisgarh.

... Petitioner

versus

1 - Prakash Kashyap S/o Late Ramnath Kashyap Aged About 49 Years Caste Kashyap, R/o Village Munund, Tahsil Janjgir, Distt. Janjgir Champa, Chhattisgarh.

2 - Ashok Kumar Kashyap S/o Ramchand Kashyap Aged About 35 Years Caste Kashyap, R/o Village Munund, Tahsil Janjgir, Distt. Janjgir Champa, Chhattisgarh.

3 - Deepak Rathore S/o Puniram Rathore Aged About 36 Years Caste Kashyap, R/o Village Munund, Tahsil Janjgir, Distt. Janjgir Champa, Chhattisgarh.

4 - Surendra Yadav S/o Late Jeetram Yadav Aged About 45 Years Caste Kashyap, R/o Village Munund, Tahsil Janjgir, Distt. Janjgir Champa, Chhattisgarh.

5 - Gadhadhar Prasad Kashyap S/o Late Nanki Ram Kashyap Aged About 58 Years Caste Kashyap, R/o Village Munund, Tahsil Janjgir, Distt. Janjgir Champa, Chhattisgarh.

6 - Bedram Yadav S/o Late Faguram Yadav Aged About 36 Years Caste Kashyap, R/o Village Munund, Tahsil Janjgir, Distt. Janjgir Champa, Chhattisgarh.

7 - Presiding Officer Polling Booth No. 89, 90, 91, 92 Gram Panchayat Munund, Block Nawagarh, Distt. Janjgir Champa, Chhattisgarh.

8 - Returning Officer Block Nawagarh, Distt. Janjgir Champa, Chhattisgarh.

9 - Secretary State Of Chhattisgarh, Panchayat And Rural Development Department, Mahanadi Bhawan, Atal Nagar Nawa Raipur, Distt. Raipur, Chhattisgarh.

10 - Collector Janjgir, Distt. Janjgir Champa, Chhattisgarh.

11 - Sub Divisional Officer Revenue, Janjgir, Distt. Janjgir Champa, Chhattisgarh.

12 - Tahsildar Nawagarh, Distt. Janjgir Champa, Chhattisgarh.

... Respondent



For Petitioner : Mr. Praveen Dhurandhar & Mr. Amit Singh Chauhan,
Advocate.
For Respondent No. 1 : Mr. Gurudeo I. Sharan, Advocate.
For Respondent/State : Mr. Anadi Sharma, Panel Lawyer.

{Hon'ble Mr. Justice Naresh Kumar Chandravanshi}

Order on Board

17/03/2026

1. By way of the instant petition, the petitioner is calling in question the legality, validity and propriety of the impugned order dated 06.03.2026 (Annexure P-1) passed by the Sub Divisional Officer (Revenue) Janjgir, District Janjgir-Champa (C.G.) / Election Tribunal, whereby the said authority has directed for recounting of the votes in election for the post of Sarpanch of Gram Panchayat, Munund, Tahsil Janjgir, District Janjgir-Champa.
2. Facts of the case, in brief, are that the petitioner is duly elected Sarpanch of Gram Panchayat Munund, Janpad Panchayat Nawagarh, District Janjgir-Champa on 20.02.2025, thereafter he assumed charge on the said post. Subsequently, Respondent No. 1 filed an application on 10.3.2025 before respondent No. 11 / Election Tribunal for recounting of the votes. After service of notice to the petitioner on the said application, the petitioner appeared before the said Authority and filed his reply, thereafter, Election Tribunal / respondent No. 11 without framing any issues and without affording opportunity to the parties to adduce evidence, directly passed the impugned order directing recounting of the votes, which is completely against the provisions contained in Rule 11 of the Chhattisgarh Panchayats (Election Petitions, Corrupt Practices and Disqualification for Membership) Rules, 1995 (for brevity "the Rules, 1995")
3. Learned counsel for the petitioner would contend that there has to be imperative necessity and a foundation by bringing material on record and adducing cogent evidence in absence of the same there cannot be an order of recounting of votes. He would next contend that in this regard an application under Order 7 Rule



11 of the CPC was filed by the petitioner, however, the same was not taken into consideration and without deciding the same the order of recounting has been passed, therefore, it is prayed that the instant petition may be allowed.

4. Learned counsel for the respondent No. 1, who is main contesting party to case, submits that in view of the prayer made by counsel for the petitioner, appropriate order may be passed.

5. Per contra, learned State counsel opposes the submissions made by learned counsel for the petitioner and submits that the instant petition may be dismissed.

6. I have heard learned counsel for the parties at length and perused the documents available on record.

7. Rule 11 of the Chhattisgarh Panchayats (Election Petitions, Corrupt Practices and Disqualification for Membership) Rules, 1995 provides for procedure before the specified officer and his powers. It is prescribed that 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 Civil procedure, 1908, to the trial of suits. The proviso to sub- rule (1) of Rule 11 of the Rules, 1995 provides that it shall only be necessary for the specified officer to make a memorandum of the substance of evidence of any witness examined by him.

8. At this stage, it would be appropriate to notice the provisions contained in Rule 11 of the Rules, 1995, which reads thus:-

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 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 evidence of any witness examined by him.

(2) The specified officer, shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters:-

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses;
- (c) compelling the production document;
- (d) examination of witnesses on oath;
- (e) reception of evidence taken on affidavit;
- (f) issuing commission for examination of witnesses and summoning and examining suo moto any person whose evidence, appears to him to be material.

9. Order XIV of the CPC provides for settlement of issues and determination of suit on issues of law or on issues agreed upon. Rule 1 of Order XIV provides that issues arise when a material proposition of fact or law is affirmed by one party and denied by the other and shall form the subject of a distinct issue and thereafter, provisions have been made for framing of issues. Rule 3 of Order XIV provides for material from which issues may be framed and Rule 4 provides for examination of witnesses and documents before framing issues.

10. In the case on hand, there is a material denial of the proposition, as affirmed by the election petitioner before the election Tribunal. Thus, framing of issues and examination of witnesses is necessary before passing the order. The impugned order passed by the Election Tribunal, appears to have been passed without complying with the substantial procedure as provided under the provisions of law.

11. To get an order of recount of votes proper foundation is required to be laid by the election petitioner indicating the precise material on basis of which it could be



urged by him with some substance that there has been either improper reception of invalid votes in favour of the elected candidate or improper rejection of valid votes in favour of the defeated candidate or wrong counting of votes in favour of the elected candidate which had in reality been cast in favour of the defeated candidate.

12. On due consideration of the submissions made by the learned counsel for the parties and the grounds taken in the writ petition as also the facts and circumstances upon which the election Tribunal has passed an order of recount, the impugned order dated 06.03.2026 (Annexure P-1) passed by the Sub Divisional Officer (Revenue), Janjgir, District Janjgir-Champa (C.G.) / Election Tribunal cannot be sustained.

13. For the foregoing reasons, the writ petition is allowed. The impugned order dated 06.03.2026 (Annexure P-1) passed by Sub Divisional Officer (Revenue), Janjgir, District Janjgir-Champa (C.G.) / Election Tribunal in Revenue Case No. 202503060300010/ A-89 (21)/2024-25 is hereby quashed. The matter is remitted back to the Election Tribunal who shall decide the election petition afresh after affording opportunity to the parties to adduce evidence in accordance with law expeditiously preferably within a period of three months from the date of receipt / submission of copy of this order.

14. It is made clear that this Court has not expressed any opinion on the merits of the case merits of the case and the respondent authority shall be at liberty to proceed with the matter in accordance with law on its own merits.

Certified copy, as per rules.

Sd/-
**(Naresh Kumar Chandravanshi
Judge**



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