



HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet
WPC No. 1977 of 2022

Mohammad Anis Nizami S/o Mohammad Rais Khan, Aged About 29 Years, R/o H.No.- C/17/1498, Vrindavan Complex Road, Maudhapara, District- Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through- Secretary, Urban Administration and Development Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Raipur, Chhattisgarh.
2. Chhattisgarh State Election Commission, Through- Election Commissioner, Election Office, North Block, Sector-19, Nawa Raipur, Atal Nagar, Raipur, Chhattisgarh.
3. Divisional Commissioner, Division, Raipur, D.K.S. Bhawan Parisar, Raipur, District- Raipur, Chhattisgarh.
4. Collector and District Election Officer, (Regional Election), Collectorate Raipur, District- Raipur, Chhattisgarh.
5. Deputy Director, Government Regional Press Office, Behind Indravati Bhawan, Amenities Block, Nawa Raipur, Raipur, Chhattisgarh.
6. Commissioner Municipal Corporation, Raipur, Near Mahila Police Thana, Gandhi Udhan, Raipur, District- Raipur, Chhattisgarh.

---- Respondents

26.04.2022	Ms. Reena Singh, Advocate for the petitioner. Mr. Pawan Kesharwani, PL for the State/respondent Nos.1, 3 to 5. Mr. Abhyuday Singh, Advocate for respondent Nos.2 & 6. Heard. Issue notice to the respondents. Mr. Pawan Kesharwani & Mr. Abhyuday Singh accept notice on behalf of respective respondents, hence, process fee is not required to be paid. They prays for two weeks' time to file reply to writ petition. Also heard on IA No.1, application for grant of interim relief/stay. Learned counsel for petitioner submits that petitioner was an elected council, as per requirement of Section 14(B) of Municipal Corporation Act, 1956, (for



short, 'Act of 1956'), he was required to submit amount of election expenses within prescribed time, but he submitted it with delay of few days alongwith explanation. Respondent No.2/Election Commission without considering explanation offered by petitioner, initiated proceeding against him and without notice to him has passed impugned order dated 08.03.2022. (Annexure P-1), therefore, there is violation of principles of nature justice. She submits that thought respondent No.2 in impugned order recorded that notice was served upon petitioner but as per instruction given to her, no notice was served upon him at any point of time. Hence, effect and operation of impugned order Annexure P-1 be stayed.

Learned counsel for respondent/Election Commission submits that if petitioner was aggrieved by any of grounds in passing of impugned order, he was having alternate remedy under Section 14(D) of the Act of 1956.

Heard counsel for the parties.

Considering entire facts and circumstances of case, documents placed on record, particularly Annexure P-1, submission of counsel for petitioner that notice with respect to proceeding initiated against petitioner by respondent No.2/Election Commission was not served upon him which is violation of principles of natural justice, it is directed that effect and operation of impugned order Annexure P-1 shall remain stayed till the next date of hearing.

List the matter immediately after two weeks.

CC as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-