



2026:CGHC:20070

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2083 of 2026**

1 - Smt. Subhadra Isha Prakash Sahu W/o Shri Isha Prakash Sahu
Aged About 50 Years R/o Village - Danitola, Post - Mokha, Tahsil -
Gurur, District Balod Chhattisgarh

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Secretary, Panchayat And
Village Development Department, Atal Nagar Raipur, District Raipur
Chhattisgarh (Not Mentioned In The Impugned Order)

2 - The Election Officer Chhattisgarh Election Commission, D.K.S.
Bhawan Raipur, District Raipur Chhattisgarh (Not Mentioned In The
Impugned Order)

3 - The Additional Collector, Balod District Balod Chhattisgarh (Not
Mentioned In The Impugned Order)

4 - The Presiding Officer/ Sub Divisional Officer (R) Janpad Panchayat,
Gurur, District Balod Chhattisgarh

5 - Sunita Sanjay Sahu W/o Shri Sanjay Sahu Aged About 49 Years R/o
Village Bharigaon, Post Fagundah, Tahsil Gurur, District Balod
Chhattisgarh

... Respondent(s)**(Cause Title is taken from CIS System)**



For Petitioner	:	Ms. Pratibha Sahu, Advocate
For State	:	Mr. Shobhit Mishra, Dy. Govt. Advocate
For Resp. No. 2	:	Mr. Rakesh Kumar Jha, Advocate

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

30/04/2026

1. The petitioner has filed this writ petition seeking following reliefs :

“10.1 That this Hon'ble Court may kindly be pleased to call the records of the case.

10.2 That, this Hon'ble Court may kindly be pleased to allow this petition and issue an appropriate writ, thereby setting-aside/quashing the impugned order dated 06-04-2026 (Annexure-P/1) and further be pleased to remand the case and direct the respondent no. 3 to decide the same in accordance with law after given proper opportunity of hearing, after framing of issue and recording the evidences parties/witnesses, in accordance with law. of the

10.3 To kindly grant any other relief which may be deem fit in the given facts and circumstances of the instant case.”



2. Facts of the case, as projected, are that the petitioner is an elected member of the Janpad Panchayat, Gurur, District Balod in the State of Chhattisgarh, where the Panchayat consists of 21 elected members. Pursuant to a notification issued by the State Government, a meeting was convened for election to the posts of President and Vice President of the Janpad Panchayat. In furtherance thereof, respondent No. 3 appointed respondent No. 4 as the Presiding Officer, who issued a notice dated 28.02.2025 fixing 06.03.2025 for conducting the elections. On the scheduled date, all 21 members participated, and both the petitioner and respondent No. 5 submitted their nominations for the post of President. It is the case of the petitioner that the Presiding Officer fixed the same timing for submission of nomination forms for both the posts of President and Vice President, which was objected to by the petitioner and other members as being contrary to established procedure. However, the objections were ignored, and the election proceedings for both posts were conducted simultaneously. Subsequently, the result was declared, and respondent No. 5 was elected as President by a margin of one vote. Aggrieved by the said election process, the petitioner preferred an election petition before the competent authority, which initially came to be dismissed on technical grounds of maintainability. The petitioner challenged the said dismissal before this Court in W.P.(C) No. 4859/2025, and the matter was remanded back with a direction to decide the election petition



afresh after affording proper opportunity of hearing. In compliance, the petitioner amended the election petition and the respondents filed their reply. However, by the impugned order dated 06.04.2026, the authority again dismissed the election petition, allegedly without following due procedure, without framing issues, and without recording evidence, leading to filing of the present petition.

3. Learned counsel for the petitioner submits that the impugned order is wholly arbitrary, illegal, and contrary to the procedure prescribed under the Chhattisgarh Panchayat (Election Petitions, Corrupt Practices and Disqualification for Membership) Rules, 1995. It is contended that the authority has dismissed the election petition in complete disregard of the mandatory procedural requirements contemplated under the said Rules. Elaborating further, it is argued that after filing of the election petition, the authority neither framed issues nor provided an opportunity to the petitioner to lead evidence in support of her case. The election petition, being in the nature of a civil trial, ought to have been adjudicated in accordance with settled principles of law, which necessarily require framing of issues and recording of evidence before arriving at findings on merits. Learned counsel submits that the impugned order has been passed summarily and on merits without adherence to any procedure, thereby causing serious prejudice to the petitioner. It is further argued that despite



a specific direction issued by this Court in the earlier round of litigation to decide the matter after affording proper opportunity of hearing, the authority has failed to comply with the same in its true spirit. The petitioner was not given an effective opportunity to adduce evidence or substantiate her allegations regarding illegality in the conduct of election, including the simultaneous holding of elections for both posts and denial of fair opportunity to contest. Learned counsel further submits that such action of the authority is in the teeth of the statutory provisions and settled legal principles governing trial of election petitions. In support of the aforesaid submissions, reliance has been placed upon the judgment of this Court in W.P.C. No. 1975 of 2025, wherein it has been held that an election petition cannot be dismissed without following due procedure, including framing of issues and recording of evidence. Hence, it is prayed that the impugned order be set aside and the matter be remanded for fresh adjudication in accordance with law.

4. Per contra, learned State counsel and learned counsel for the respondent No. 2 vehemently opposes the submissions advanced on behalf of the petitioner and supports the impugned order. It is contended that the present petition is not maintainable in view of the availability of an efficacious alternative statutory remedy under the provisions governing election disputes in Panchayati Raj institutions. Learned counsel submits that instead of availing the



remedy provided under law, the petitioner has directly approached this Court by invoking its writ jurisdiction, which is impermissible, particularly in matters arising out of election disputes where a complete mechanism has been prescribed. It is further submitted that the authority concerned has passed the impugned order strictly in accordance with law and after considering the material available on record. Learned counsel also submits that the petitioner is attempting to re-agitate the matter on untenable grounds after having failed to make out a case before the competent authority. The impugned order does not suffer from any illegality, arbitrariness, or perversity warranting interference by this Court under Article 226 of the Constitution of India. It is thus prayed that the writ petition be dismissed being devoid of merits.

5. At the outset, it is observed that notice has not been issued to respondent No. 5. Considering the nature of the controversy, which pertains to adjudication of an election petition and the procedural irregularities alleged therein, and further taking into account that no adverse order has been passed by the concerned authority against respondent No. 5, this Court also does not propose to pass any adverse order affecting the rights of respondent No. 5 in the present proceedings. Accordingly, issuance of notice to respondent No. 5 is dispensed with.
6. I have heard learned counsel for the parties at length and perused the material available on record.



7. At the outset, the objection raised by learned State counsel with regard to availability of alternative remedy has been considered. Though it is a settled principle that writ jurisdiction ordinarily ought not to be exercised when an efficacious alternative remedy is available, however, the said rule is not absolute. In cases where there is a patent violation of principles of natural justice or where the order impugned is passed in contravention of statutory provisions, this Court is well within its jurisdiction to entertain the writ petition.
8. In the present case, the core grievance of the petitioner is that the prescribed authority, while deciding the election petition, has failed to follow the mandatory procedure as contemplated under the Chhattisgarh Panchayat (Election Petitions, Corrupt Practices and Disqualification for Membership) Rules, 1995. Rule 11 of the Rules of 1995 reads as under :

“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 of document;*
- (d) examination of witnesses on oath;*
- (e) reception of evidence taken on affidavit; and*
- (f) issuing commission for examination of witnesses and summoning and examining suo motu any person whose evidence, appears to him to be material.”*

9. From the record, it is evident that after remand of the matter by this Court in the earlier round of litigation, the authority was required to adjudicate the election petition afresh after affording proper opportunity of hearing to the parties. However, it emerges that the prescribed authority, while passing the impugned order dated 06.04.2026, has dismissed the election petition on merits without framing any issues, without permitting the parties to lead evidence, and without conducting the proceedings in the manner akin to a civil trial. It is well settled that an election petition is to be tried in accordance with the procedure prescribed and in consonance with principles governing civil trials, which



necessarily include framing of issues, permitting parties to adduce evidence, and thereafter adjudicating the dispute on merits.

10. This Court, in catena of judgments including W.P.C. No. 1975 of 2025, has categorically held that whenever an election petition is filed, the authority is under an obligation to frame issues arising from the pleadings of the parties and thereafter grant adequate opportunity to the parties to lead evidence in support of their respective cases. Only after completion of such procedure, the election petition can be decided on merits. The said settled legal position has not been adhered to in the present case. In the considered opinion of this Court, the action of the prescribed authority in dismissing the election petition summarily on merits, without following the due procedure envisaged under law, is in clear violation of statutory provisions as well as principles of natural justice. The impugned order, therefore, cannot be sustained.
11. Accordingly, considering the facts and circumstances of the case, this writ petition is **allowed**. The impugned order dated 06.04.2026 is hereby set aside. The matter is remitted back to the concerned prescribed authority with a direction to decide the election petition afresh, strictly in accordance with law, by following the procedure as envisaged under Rule 11 of the Rules, 1995, including framing of issues, affording adequate opportunity



to the parties to lead evidence, and thereafter passing a reasoned order.

12. It is expected that the authority shall make an endeavour to conclude the proceedings expeditiously, in accordance with law.

No order as to costs.

Sd/-

**(Amitendra Kishore Prasad)
Judge**

Shayna