

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.No.3461 of 2015

M.Babu

...Petitioner/Petitioner

Vs.

1.A.Prabhakaran

2.S.Sarvatkumar

3.D.Jagannathan

4.R.Rajeena

5.J.Velayudham

6.P.Venkatesan

7.The Returning Officer
Sholavaram Panchayat Union
Sholavaram, Ponneri Taluk,
Thiruvallur District.

8.The District Collector
Housing Office at Master Plan Complex
Thiruvallur District Collectorate
Thiruvallur - 602 001.

9.The State Election Commissioner
Having office at 100 Feet Road
Vadapalani, Chennai.

...Respondents/Respondents

Prayer:

Civil Revision Petition filed under Article 227 of the
Constitution of India against the order and decree dated 21.11.2014

made in Election O.P.No.11 of 2012 on the file of the Principal District Judge, Thiruvallur and to set aside the same.

For Petitioner : Mr.T.P.Sekar

O R D E R

The revision petitioner lost the election for Perugavoor Village Panchayat in Ponneri Taluk, Thiruvallur District when the result was declared on 21.10.2011. The 5th respondent herein was declared elected.

2. Thereafter, the revision petitioner filed Election O.P.No.11 of 2012 before the Principal District Judge, Thiruvallur questioning the election of the 5th respondent. All the other respondents were set exparte.

3. The revision petitioner got examined as witness and Ex.P.1 to Ex.P.12 were marked. Considering the evidence of the revision petitioner, the election tribunal namely, the Principal District Judge, Thiruvallur came to the conclusion that the revision petitioner failed to establish his case that the 5th respondent is a Christian and therefore, he does not belong to the Scheduled Caste. Aggrieved against the same, the present Civil Revision Petition has been preferred.

4. Heard the learned counsel for the revision petitioner.

5. Though, Ex.P.1 to Ex.P.12 were marked, there is nothing in those documents to suggest that the 5th respondent is a Christian. The Trial Court has categorically found that the revision petitioner failed to produce any evidence in this regard.

6. The Trial Court held that though Ex.P.8 is the letter said to have been written by one Thilak, son of Munusamy of Perungavoor on 30.09.2011 to the BDO, Sholavaram in which it is stated that the 5th respondent is also known as Lasar and his marriage was solemnised on 08.09.2008 in C.S.I.Palavoyal Pattu Church, the said person was not examined in the Court and the said letter is also only a xerox copy. In these circumstances, the Trial Court recorded the finding that the revision petitioner failed to establish that the 5th respondent is a Christian.

7. I do not find any infirmity in the said finding of the learned Principal District Judge and the same cannot be termed as

perverse. In paragraph 7 of the judgment, the learned District Judge had gone into detail and held that no evidence was produced on the side of the revision petitioner to establish his case.

8. Hence, I am not inclined to interfere with the finding of the learned Principal District Judge made in Election O.P.No.11 of 2012 and accordingly, the Civil Revision Petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

pgp

To

- 1.The Principal District Judge,
Thiruvallur.
- 2.The Returning Officer
Sholavaram Panchayat Union
Sholavaram, Ponneri Taluk,
Thiruvallur District.
- 3.The District Collector
Housing Office at Master Plan Complex
Thiruvallur District Collectorate
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- 4.The State Election Commissioner
Having office at 100 Feet Road
Vadapalani, Chennai.

1 CC to Mr.T.P.Sekar, Advocate SR.No. 48882

C.R.P.No.3461 of 2015

JSV (CO)

PSI (25.09.2015)