

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 22744 of 2015

P.E. Masilamani

..Petitioner

Vs.

1. The District Collector,
Vellore District,
Vellore.
 2. The Block Development Officer,
Thimiri, Arcot Taluk,
Vellore District.
 3. Mrs. Annapoorani
 4. The Chief Election Commissioner,
State Election Commission,
Koyambedu, Chennai.
- ...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 21.11.2014.

For Petitioner :: Mr.S. Thirunavukkarasu

For Respondents:: Mr.V. Jayaprakash Narayanan,
Special Govt. Pleader for R1 & R2
Mr.Nedunchezhiyan for R4

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 21.11.2014.

2. The petitioner is a resident of Raghunathapuram, Ponnambalam Village, Arur Panchayat, Arcot Taluk, Vellore District. He is an elector/voter in Ward No.3 of Arur Village Panchayat and he cast his vote for the election of President and Ward Members of Arur Village Panchayat that was held in 2011. In the said election, one Mrs. Annapoorani contested for the post of President and was elected

as President of Arur Village Panchayat. According to the petitioner, when he sought information under the Right to Information Act, regarding the nomination papers and related documents filed by the said Annapoorani, before the Election Officer/Block Development Officer, Thimiri Block, Arcot Taluk, Vellore District, to contest for the post of President of Arur Village Panchayat, he came to know that she had furnished false information in respect of her property details stating that she has agricultural land measuring 1 acre in the relevant column of the form submitted along with the nomination papers while the fact remains that the said Annapoorani owns 3 acres and 70 cents of agricultural land. Moreover, her husband's property, to an extent of 5.40 acres was also not disclosed. Therefore, according to the petitioner, the false information furnished by the said Annapoorani attracts the offence under Section 177 of the Indian Penal Code, besides removal from the post of President under Section 205 of Tamil Nadu Panchayas Act, 1994. In this regard, the petitioner gave a representation to respondents 1 and 2 on 21.11.2014. However, no orders were passed. Hence, the present writ petition.

3. Heard the learned counsel on either side.

4. Though notice has not been ordered to the 3rd respondent, there is no necessity to do so as this Court only intends to direct respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 21.11.2014 after affording an opportunity to the 3rd respondent as well as to the petitioner.

5. Considering the facts and circumstances of the case, the writ petition is disposed of directing the 1st respondent to conduct an enquiry based on the petitioner's representation dated 21.11.2014 and proceed further in accordance with law, only after issuing notice to the petitioner as well as to the 3rd respondent and after hearing them. This order is passed without expressing any opinion on the merits of the case. It is made clear that without issuing notice to the 3rd respondent and without affording an opportunity to the 3rd respondent, no orders shall be passed by the 1st respondent. No costs.

nv

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

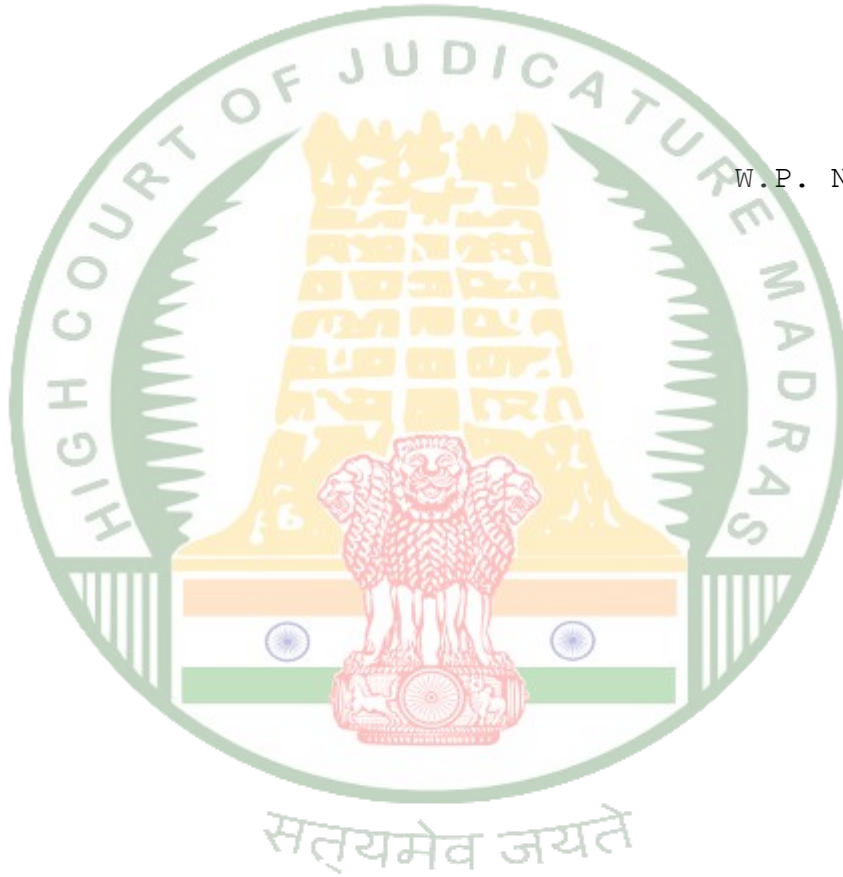
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