



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.09.2016**

CORAM:

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Rev.Applc (MD) No.20 of 2015

S.Muthulakshmi : Applicant

Vs.

1.R.Pandiammal
2.K.Mariammal
3.The Election Officer/Block Development Officer,
Kamuthi Panchayat Union,
Ramanathapuram District. : Respondents

Prayer: The review application is filed under Order XLVII, Rule 1 of C.P.C.1908, to review the common order dated 21.04.2014 passed in CRP NPD(MD) No.802 of 2013 and CRP NPD(MD) No.852 of 2013.

Prayer in CRP(MD)Nos. 802 & 852/ 2013 :

Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the order passed in E.L.O.P.No. 1/2011 dated 17.04.2013 on the file of the Principal District Court, Ramanathapuram .

For Applicant : Mr.A.Thiyagarajan
senior counsel for
S.Karunakar

For Respondents : Mr.M.V.Venkataseshan, senior
counsel for K.Kumaravel for R1
Mr.G.Muthukannan, G.A.
For R3

ORDER

The revision petitioner filed the review application against the common order dated 21.04.2014 passed in CRP NPD(MD) No.802 of 2013 and CRP NPD(MD) No.852 of 2013, which was filed against the order dated 17.04.2013 in E.L.O.P.No.1 of 2011 on the file of the Principal District Judge, Ramanathapuram.

<https://hcservices.ecourts.gov.in/hcservices/>

2.According to the learned counsel for the review applicant,



the review applicant has filed E.L.O.P.No.1 of 2012 before the learned Principal District Judge, Ramanathapuram (Election Tribunal), praying to declare the election of the 1st respondent as a successful candidate for the post of President, Udayanathapuram Panchayat, Kamuthi Taluk, Ramanathapuram District is null and void and declare that the review applicant/petitioner therein as a successful elected candidate for the above post. After hearing the parties, the said petition was allowed by setting aside the election as the same was conducted violating the provisions of Tamil Nadu Panchayat Act. The further relief sought for by the review applicant to declare the applicant as an elected candidate was rejected and hence, the review application has filed C.R.P.No.852 of 2013, challenging the same.

3.The first respondent herein/first respondent in E.L.O.P. viz., Pandiammal has filed application in C.R.P.No.802 of 2013 before this Court, challenging against the setting aside of the election vide order dated 17.04.2013 in E.L.O.P.No.1 of 2011 on the file of the Principal District Judge, Ramanathapuram. By an order dated, 21.04.2014, this Court was pleased to allow the said revision and appointed one Mr.K.Samidurai, as Advocate Commissioner to count the votes in the presence of Registrar (Administration) of this Court. The learned Advocate Commissioner, after counting the votes had filed his report stating that 18 votes are missing and found 4 votes declares as valid found to be invalid and one vote earlier treated as invalid found to be valid. However, no further order has been passed by this Court in the said civil revision petitions. Hence, the present review application has been filed by the applicant praying for re-election relating to the post of President, Udayanathapuram Panchayat, Kamuthi Taluk, Ramanathapuram District.

4.Today, when the matter came up for hearing, the learned senior counsel for the respondent would place the Notification before this Court issued by the Tamil Nadu State Election Commission dated 25.09.2016, which was published in the Madurai Gazette dated 26.09.2016, for the purpose of filling up of ordinary vacancies in the offices of Ward Members of Panchayats and Presidents of Village Panchayats specified in the Tables annexed to the Notification, under sub-section (1) of Section 239 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and rule 24 of the Tamil Nadu Panchayats (Elections) Rules, 1995.

5.Therefore, in the light of the said notification issued by the Tamil Nadu State Election Commissioner, I am of the view that no furtherers are required as prayed for in the review application filed by the review applicant. Insofar as the report submitted by the learned Advocate Commissioner is concerned, the Registry is directed to forward the copy of the said report to the District Collector/Competent authority to take necessary action against the concerned official for not following the procedures as found in



the report.

6. In view of the above, the review applicant is dismissed. No costs.

Sd/-

Assistant Registrar (Record)

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/True Copy/

Sub Assistant Registrar

Arul

To

1 The Principal District Judge,
Ramanathapuram.

2 The Election Officer/Block Development Officer,
Kamuthi Panchayat Union,
Ramanathapuram District. (with Advocate Commission Report)

3 The District Collector/Competent Authority,
Ramanathapuram District (with Advocate Commission Report)

+1cc to Mr.S.Karunakar, Advocate Sr.No. 56955

JAM/02.11.16/SKS-RR/3P-5C

Order made in
Rev.Applc (MD) No.20 of 2015

27.09.2016