

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.Nos.10328 of 2016

D.Vijayalakshmi

..Petitioner

Vs

1. The Chief Election Officer,  
No.208/2, Jawaharlal Nehru Road,  
Opp.(CMBT) Chennai Mofussil Bus Terminus,  
Arumbakkam, Chennai - 600 106,
2. The District Collector,  
Coimbatore District,  
Coimbatore - 641 001,
3. The Commissioner,  
Coimbatore Corporation,  
Coimbatore - 641 001,
4. K.A.Aadhinarayanan ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider petitioner's representation dated 29.02.2016.

For Petitioner : Mr.N.Ponraj  
For Respondents : Mr.R.Lakshminarayanan,  
Addl.Govt.Pleader  
for RR.1 and 2

ORDER

Heard the learned counsel for the petitioner and Mr.R.Lakshminarayanan, learned Additional Government Pleader, who accepts notice for respondents 1 and 2.

2. The petitioner seeks for a direction to the respondents to consider his representation dated 29.2.2016. In the said representation, the petitioner has alleged that the 4<sup>th</sup> respondent has suppressed the pendency of criminal cases, which

have been filed against him for offences under Section 138 of the Negotiable Instruments Act and in this regard the petitioner would state that C.C.No.58 of 2004 for the offence under Section 138 of the Negotiable Instruments Act was pending on the file of the Judicial Magistrate's Court No.II, Poonamallee and the case is pending from 2003 and only in 2015 the same has been settled and the complaint was dismissed. Therefore, the petitioner would state that the fourth respondent has suppressed all these facts and he has been elected as Ward Counsellor of Ward No.80 of the 3<sup>rd</sup> respondent Corporation. Since the writ petition is disposed of at the admission stage without notice to respondent No.4, the merits of the allegations made by the petitioner as against the 4<sup>th</sup> respondent are not gone into. In any event, there is a representation made by the petitioner alleging suppression of pendency of criminal cases by the 4<sup>th</sup> respondent and case numbers have also been given. Therefore, it would be appropriate for the 2<sup>nd</sup> respondent to take into consideration the representation made by the petitioner dated 29.2.2016 and after notice to the 4<sup>th</sup> respondent, pass orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

s/d-  
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To:

1. The Chief Election Officer,  
No.208/2, Jawaharlal Nehru Road,  
Opp.(CMBT) Chennai Mofussil Bus Terminus,  
Arumbakkam, Chennai - 600 106,
2. The District Collector,  
Coimbatore District,  
Coimbatore - 641 001,
3. The Commissioner,  
Coimbatore Corporation,  
Coimbatore - 641 001,

+ 1 cc to Mr.N.Ponraj, Advocate SR 17877

sai(co)  
prk31/3

WP.No.10328/2016