

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(NPD)No.290 of 2014

V. Sannasi

.... Petitioner

vs

1. The Election Officer &
Commissioner,
Pethanaickenpalayam Panchayat Union,
Pethanaickenpalayam,
Attur,
Salem District
2. The District Collector,
The District Election Officer,
Salem, Salem District
3. The Chief Election Commissioner,
Tamil Nadu State Election Commission,
208/2, Jawaharlal Nehru Road,
Opp. Koyembedu Bus Stand,
Chennai – 600 106
4. V. Poongodi
5. M. Amutha

.... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 30.09.2013 made in E.O.P.No.287 of 2011 on the file of I Additional District Court, Salem.

For Petitioner	:	Mr.N. Manokaran
For R.1 to R.3	:	Mr.T. Jayaramaraj
For R.4	:	Mr.C, Vediappan for M/s C.S. Associates
For R.5	:	No appearance

ORDER

Challenging the order passed in the Election Original Petition in E.O.P.No.287 of 2011 on the file of I Additional District Court, Salem, the unsuccessful candidate has filed the above Civil Revision Petition.

2. The contention of the petitioner before the Election Tribunal was that the fourth respondent does not belong to Scheduled Tribe community and the Community Certificate, produced by her, is not genuine for the reason that she had married a man, who belongs to Most Backward Community.

3. After contest, the Election Tribunal dismissed the petition, filed by the revision petitioner. Challenging the said order, the unsuccessful candidate has filed the above Civil Revision Petition.

4. When the matter is taken up for hearing, Mr.T. Jayaramaraj, learned Government Advocate, appearing for the respondents

1 to 3, submitted that the relief sought for in the Election Original Petition has become infructuous for the reason that the term of Local Bodies have come to end today.

5. The learned counsel, appearing for the petitioner, submitted that this Court may consider, giving an observation with regard to the Community of the fourth respondent.

6. Since the prayer made by the learned counsel for the petitioner is beyond the scope of the Election Original Petition, I am not inclined to entertain the Civil Revision Petition solely for deciding the community of the fourth respondent. It is open to the petitioner to challenge the Community Certificate, issued to the fourth respondent, in accordance with law. With these observations, the Civil Revision Petition is dismissed as infructuous. No costs.

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sr
Index:no
website:yes

To

The Principal District Court, Salem

M. DURAISWAMY,J.,

sr

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