

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition Nos.24804, 36019 to 36021,
36487, 36533 and 36538 of 2006
and

M.P.No.2 in W.P.No.24804 of 2006

M.P.Nos.2 and 3 of 2006 in W.P.No.36487,

M.P.Nos.2 and 2 of 2006 in W.P.Nos.36533 & 36538 of 2006 and
W.P.36019 to 36021

1. D.M.Ariyappan ...Petitioner in W.P.No.24804 of 2006
2. Nallapan ...Petitioner in W.P.No.36019 of 2006
3. K.S.Azhagathiri ...Petitioner in W.P.No.36020 of 2006
4. M.Allimuthu ...Petitioner in W.P.No.36021 of 2006
5. C.Venkatesan @ Venkatachalam ...Petitioner in W.P.No.36487 of 2006
6. M.Venkataswamy ...Petitioner in W.P.No.36533 of 2006
7. M.Dadan ...Petitioner in W.P.No.36538 of 2006

Vs.

1. The State Election Commission,
rep. by its Secretary,
Chennai - 600 026.
2. The District Collector,
District Election Officer,
Krishnagiri District. ...Respondents 1 & 2 in all WPs
3. The Election Officer,
C/O Block Development Officer,
Office of the Block Development Officer,
Kelamangalam,
Krishnagiri District. ... Respondent 3 in WPs
36487,36533 of 2006
4. The Commissioner,
Panchayat Union,
Kelamangalam
Krishnagiri District. ...Respondent 3 in W.P.36538 of 2006

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for records, relating to the order of the first respondent, dated 31.12.2003, published in the Tamil Nadu Government Gazette Extraordinary No.39, Part VI Section 2, dated 11.02.2004, and to quash the same only insofar it relates to the petitioner.

For Petitioners in W.P.Nos.

24804, 36019 to 36021/2006 : Mr.K.Selvaraj
For Petitioner in W.P.No.36487/2006: Ms.D.Geetha
For Petitioner in W.P.No.36533/2006: Mr.K.Gandhikumar
For Petitioner in W.P.No.36538/2006: Mr.T.Arulraj

For Respondents in W.P.Nos.

24804, 36019 to 36021 and 36533/2006: Mr.R.Rajeswaran
Special Government Pleader

For Respondent -3 in W.P.Nos.36487
and 36538/2006 : Mr.P.Karthikeyan

COMMON O R D E R

In all these Writ Petitions, the petitioners were elected as ward members of the various Village Panchayats, and they assumed charge of the elected Office. By the impugned notification, all the petitioners were stated to be disqualified on the ground that they have not lodged the election expenses. Election was conducted during October, 2001, and the tenure to hold the post is lustral.

2. The learned Special Government Pleader and the learned counsel appearing for respondents submitted that since the period of Office itself, is over, nothing further survives for adjudication in these Writ Petitions.

3. It is seen that, in all the Writ Petitions, there has been an order of interim stay granted, by virtue of which, disqualification has been stayed. Therefore, at this juncture, the question of adjudicating the correctness of the impugned notification does not arise, since after the expiry period of five years, another election was conducted, and the said period also came to an end, and further election are to be conducted during October, 2016. In the light of the same, the impugned notification cannot be enforced at this stage.

Accordingly, all the Writ Petitions are allowed and the impugned notification stands quashed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The State Election Commission,
rep. by its Secretary,
Chennai - 600 026.
2. The District Collector,
District Election Officer,
Krishnagiri District.
3. The Election Officer,
C/O Block Development Officer,
Office of the Block Development Officer,
Kelamangalam,
Krishnagiri District.
4. The Commissioner,
Panchayat Union,
Kelamangalam
Krishnagiri District.

+1 cc to The Government Pleader Sr.16966

+1cc to Mr.P.Karthikeyan, Advocate sr.16887

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ctk[co]
srg 06/04/2016