



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P (MD) No.17763 of 2016

R.Jeyaprakash

.. Petitioner

Vs.

1.The Election Commissioner
Tamilnadu State Election Commission
Chennai

2.The District Collector/District Election Officer,
District Collector Office,
Pudukottai.

3.The Commissioner/The Electoral Registration Officer,
Pudukottai Municipality
Pudukottai.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 3rd respondent to consider the petitioner's objection before preparation of final voters list by deleting the names of dead, absented and shifted persons in Pudukottai Municipality.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.M.Govindan

Spl. Government Pleader for R1 & R2

Mr.P.Mahendran for R3

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner, who is a resident of Pudukottai Town, has come up with this public interest litigation seeking a direction to the 3rd respondent to consider the petitioner's objections before preparations of the final voters list for Pudukottai Municipality, in effect, his request is to delete the names of dead persons and persons, who have shifted their domicile.

2.We have heard the learned counsel for the petitioner, the learned Special Government pleader for the respondents and the learned counsel for the 3rd respondent.



3. The learned counsel for the petitioner would submit that there are lot of persons dead and many have also shifted their residence from Pudukottai local body limits and therefore, their names are to be deleted before finalising the voters list.

4. The learned Special Government Pleader would bring to our notice the order passed by the First Bench of the Principal Bench in W.P.No.7437/2016 dated 09.03.2016, wherein, among other things in Paragraph No.11, while rejecting the similar prayer made by the petitioner therein, the First Bench has passed the following order:

"11. We want to make it clear that though the jurisdiction of the Court over the Election Commission exists for furtherance of election process, it is not the function of the Court to interfere with the working of the Election Commission, which is an independent body with best reputation to carry out the electoral process fairly. We have no doubt that every endeavour will be made by the Election Commission to uphold its own reputation and see to it that a fair and transparent elections are held in Tamil Nadu. We are emphasizing here that we would not like to encourage repeated monitoring of the electoral process on aspects which are to be dealt with by the Election Commission unless some violation of any law is specifically pointed out to us. This is also a caution for other litigants who may be contemplating filing of petitions, as we are told that the history is of large number of petitions being filed in this behalf to the extent that this Court has issued a notification that all matters relating to the election process should be listed only before the First Bench as in the past."

5. It is also brought to our notice that earlier, the petitioner filed a writ petition in W.P.(MD) No.12911 of 2016 and he allowed the same to be dismissed by the order dated 22.07.2016. This petition is the second round of litigation.

6. In view of such observations made by the First Bench, we are unable to grant the relief sought for by the petitioner. The petitioner can very well work out his remedy in the manner known to law. In our considered view, no party can be allowed to convert this Court as a platform to settle their personal score arising out of ensuing panchayat elections. Accordingly, this petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)



To

1.The Election Commissioner

Tamilnadu State Election Commission, Chennai

2.The District Collector/District Election Officer,
District Collector Office, Pudukottai.

3.The Commissioner/The Electoral Registration Officer,
Pudukottai Municipality, Pudukottai.

+1 CC to Mr.P.MAHENDRAN, Advocate, SR No.53298

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.54160

ORDER MADE IN
W.P (MD) No.17763 of 2016
19.09.2016

RR

SH/SKS-RR:27.09.2016:3P/6C