



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.18569 of 2016

K.S.Ramakrishnan

.. Petitioner

Vs.

1.The District Collector,
Kanniyakumari District,
Kanyakumari.

2.The Commissioner,
Nagercoil Municipality,
Nagercoil, Kanniyakumari District.

3.The Town Planning Officer,
Nagercoil Municipality,
Nagercoil, Kanniyakumari District.

4.The Returning Officer,
Nagercoil Municipality,
Nagercoil, Kanniyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to conduct the polling of the Vellalar Keela Theru Voters in the Booth No.66, situating in the office of the Deputy Director, Public Health and Family Welfare Department, Krishnancoil, Kanniyakumari District instead of Booth No.67, in the local body election by considering the petitioner's representations dated 09.09.2016 and 21.09.2016 within a time limit that may be stipulated by the Hon'ble Court.

For Petitioner : Mr.S.Jeyakarthik

For respondents 1, 3 & 4 : Mr.R.Karthikeyan,
Additional Government PleaderFor 2nd respondent : Mr.P.Athimoola Pandian

O R D E R

<https://hcservices.ecourts.gov.in/Order/> of the Court was made by S.NAGAMUTHU, J.]

The petitioner has come up with this Writ Petition for the following prayer;



"This court may be pleased to issue a Writ of Mandamus, to direct the respondents to conduct the polling of the Vellalar Keela Theru Voters in the Booth No.66, situating in the office of the Deputy Director, Public Health and Family Welfare Department, Krishnancoil, Kanniyakumari District, instead of Booth No.67, in the local body election by considering the petitioner's representations dated 09.09.2016 and 21.09.2016 within a time limit that may be stipulated by this Court."

2.We have heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1, 3 and 4 and the learned counsel appearing for the 2nd respondent.

3.This Writ Petition has been filed on the ground of convenience. According to the petitioner, the distance between the Vellalar Keela Theru and the Booth No.67 is around 3 kilometres, whereas, according to the learned counsel appearing for the respondents, the distance is hardly about 750 meters.

4.In our considered view, while establishing a booth for voters, the authority has to take into account so many aspects i.e., safety, security, sensitivity, convenience, etc. In this case, by considering all the above aspects, both No.67 has been established. In our further considered view, the petitioner cannot have a choice in the matter. Thus, we do not find any merit at all in this Writ Petition. This Writ Petition is, therefore, dismissed. No costs.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Kanniyakumari District,
Kanniyakumari.

2.The Commissioner,
Nagercoil Municipality,
Nagercoil, Kanniyakumari District.



3.The Town Planning Officer,
Nagercoil Municipality,
Nagercoil, Kanniyakumari District.

4.The Returning Officer,
Nagercoil Municipality,
Nagercoil, Kanniyakumari District.

+1cc to M/s.M.S.Jeyakarthik, Advocate SR.No.56819
+1cc to special Government Pleader SR.No.57016

gcg
sm:MPA-EM:SAR III:17.10.2016:3P/7C

Order made in
W.P.[MD].No.18569 of 2016
28.09.2016