



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.19104 of 2016

WEB COPY

Sumathi

... Petitioner

-vs-

1. The State Election Commissioner,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam, Chennai.
2. The District Collector,
Sivagangai District,
Sivagangai.
3. The Electoral Registering Officer-cum-
Commissioner, Karaikudi Municipality,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents by deleting the name of the petitioner in electoral list for 2-94A, Pandian Nagar 3rd Street, Kalannivasal, Karaikuddi and include the name of the petitioner in the electoral list in Ward No.3, Karaikudi Municipality, Sivagangai District by considering the applications submitted by the petitioner on 27.09.2016.

For Petitioner : Mr.K.Chellapandian, Senior Counsel
For Mr. K.Balasubramani

For Respondents : Mr.R.Karthikeyan
Addl. Govt. Pleader

O R D E R

The writ petition has been filed, seeking to direct the respondents to delete the name of the petitioner in electoral list, where the address provided is 2-94A, Pandian Nagar 3rd Street, Kalannivasal, Karaikuddi and to include the name of the petitioner in the electoral list of Ward No.3, Karaikudi Municipality, Sivagangai District, in accordance with the request made in the application dated 27.09.2016.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3. The case of the petitioner is that earlier she was residing at 2-94A, Pandian Nagar 3rd street, Kalaivasal, which comes under Sankarapuram Panchayat and her electoral roll is in the said address; that the petitioner wanted to contest for the post of Councillor for Ward No.3 of Karaikuddi Municipality and therefore, she made an application to delete her name in the electoral roll from Pandian Nagar vide Form No.7 and submitted Form No.6 so as to include her name in the electoral list in Ward No.3 of Karaikuddi Municipality. It is represented that as the concerned authorities did not pass any order in the said application, this writ petition has been filed.

4. Learned Senior Counsel for the petitioner would submit that the jurisdiction of this Court is not barred under Article 243-ZG of the Constitution of India, as the petitioner did not challenge the election as such and that her request is to include her name so as to facilitate her to participate in the election and this petition would not have the effect of either postponing the election or stopping the election.

5. On such submission being made, learned Additional Government Pleader appearing for the respondents would submit that the petitioner's name would be included in the electoral list in compliance with Rule 18 of the Registration of Electors Rules, 1960, and this would be done as per the request made in the application dated 27.09.2016.

6. Recording the submission made, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/
Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The State Election Commissioner,
No.208/2, Jawaharlal Nehru Road, Arumbakkam, Chennai.
2. The District Collector, Sivagangai District, Sivagangai.
3. The Electoral Registering Officer-cum-
Commissioner, Karaikudi Municipality,
Sivagangai District.

+2cc to M/S.K.Balasubramani, Advocate in SR.No.58124

W.P(MD)No.19104 of 2016
03.10.2016