



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.20442 of 2016

and

W.M.P (MD) No.14657 of 2016

S.Richard

: Petitioner

Vs.

1.The Chief Electoral Officer,
Tamil Nadu Election Commission
Public (Elections) Department,
Secretariat,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Block Development Officer,
O/o.the Block Development Officer,
Aathur Panchayat Union,
Dindigul District.

: Respondents

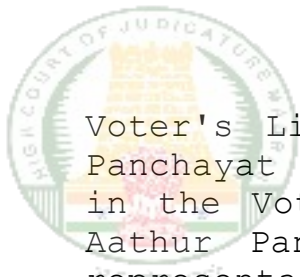
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to restore the names of the petitioner's family members and other 124 persons to the Voter's List of 10th Ward, Ambathurai Village Panchayat, Aathur Panchayat Union, Dindigul District and rectify the irregularities in the Voter's List of 10th Ward, Ambathurai Village Panchayat, Aathur Panchayat Union, Dindigul District by considering the representation of the petitioner, dated 30.09.2016 within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.R.Karthikeyan,
Additional Government Pleader.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to restore the names of the petitioner's family members and other 124 persons to the



Voter's List of 10th Ward, Ambathurai Village Panchayat, Aathur Panchayat Union, Dindigul District and rectify the irregularities in the Voter's List of 10th Ward, Ambathurai Village Panchayat, Aathur Panchayat Union, Dindigul District by considering the representation of the petitioner, dated 30.09.2016.

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2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. The case of the petitioner is that the petitioner is a resident of Ambathurai Village Panchayat, Aathur Taluk, Dindigul District and his voting roll is found place in 10th Ward, Ambathurai Village Panchayat, Aathur Panchayat Union, Dindigul District. His Voting Roll No.HGR4878310 and Serial No.288. All of a sudden, all the names of his family members have been removed from the Voters List of 10th Ward and included in the 9th Ward. Apart from that, 30 dead persons have not been removed in the Voters List of 9th and 10th Wards. Therefore, he sent a representation dated 30.09.2016, to the respondents 2 and 3 for rectification of the same. But, the same has not been considered so far. Therefore, this writ petition has been filed.

4. The learned counsel for the petitioner would submit that it is enough if there is a direction to the respondents to consider the representation of the petitioner, dated 30.09.2016, in the light of Clause (viii) of paragraph No.42 of the order of the Principal Bench of this Court, passed in W.P(MD)No.33984 of 2016, dated 04.10.2016 and the same is extracted here under:

"(viii) The State Government and State Election Commission shall look into and decide about complaints regarding reservation, de-reservation of posts, deletion or addition of genuine eligible voters and enrolment of bogus voters, etc., before conducting the election, after issuance of fresh election notifications".

5. The learned Additional Government Pleader would submit that when the draft notification was issued enlisting the list of voters, the petitioner did not file any objection and it is agreeable for the respondents to consider the representation of the petitioner and to pass appropriate orders within a period of four weeks.

6. Recording the submission made by the learned Additional Government Pleader for the respondents, the respondents 2 and 3 are directed to consider the representation of the petitioner dated 30.09.2016, in the light of Clause (viii) of paragraph No.42 of the order of the Principal Bench of this Court made in W.P(MD) No.33984 of 2016 and to pass orders on merits and in accordance

with law, within a period of four weeks, from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (Record)

/True copy/

Sub Assistant Registrar

To

1. The Chief Electoral Officer,
Tamil Nadu Election Commission
Public (Elections) Department,
Secretariat, Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Dindigul District, Dindigul.
3. The Block Development Officer,
O/o. the Block Development Officer,
Aathur Panchayat Union, Dindigul District.

+1 cc to M/s. T. Lajapathi Roy, Advocate in SR.No. 63779
+1 cc to The Special Government Pleader in SR.No. 64198

smn

CSL/SS-2/18.11.2016: 3P/6C

ORDER MADE IN
W.P (MD) No. 20442 of 2016
and
W.M.P (MD) No. 14657 of 2016
25.10.2016