



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.21409 of 2016

and

W.M.P (MD) Nos.15293 & 15294 of 2016

A.V.M.Marimuthu

... Petitioner

Vs.

1.The State Election Commissioner,
O/o.Tamil Nadu State Election Commission,
No.206/N, Jawaharlal Nehru Road,
Chennai - 106.

2.The District Collector cum Election Officer,
Collectorate, Thanjavur District.

3.The Revenue Divisional Officer
cum Returning Officer,
174, Thanjavur Assembly Constituency,
Thanjavur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned final list of candidature, dated 03.11.2016 in so far as Thanjavur 174 constituencies is concerned published by the third respondent for the election will be held on 19.11.2016 and quash the same as illegal, arbitrary and direct the respondents to prepare the fresh final list by including the petitioner's name therein as per the provisions of the representation of the People Act.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.R.Karthikeyan

Additional Government Pleader

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>

2.By consent, the Writ Petition itself is taken up for final disposal.



3.The writ petition is filed by the petitioner challenging the final list of candidature published by the by-Election, Thanjavur Assembly Constituency.

4.According to the petitioner, he filed a nomination for the by-Election, Thanjavur Assembly Constituency. His nomination was improperly rejected and the order of rejection was not furnished to him. In the above circumstances, challenging the final list of candidates published by the third respondent, the petitioner has filed the present Writ Petition.

5.It is settled law that the petitioner cannot challenge the rejection of the nomination in the Writ Petition. In N.P.Ponnuswami Vs. The Returning Officer reported in AIR 1952 SC 64, the Honourable Supreme Court has held that High Courts have no jurisdiction under Article 226 of the Constitution of India to entertain petitions regarding improper rejection of nomination papers.

6.In the above circumstances, this Writ Petition is not maintainable and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

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+1CC to M/S.R.Rajaraman, Advocate, SR.No. 66918

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