

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2017

CORAM :

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P. (NPD) No. 2597 of 2014

Mrs. Pachiammal

... Petitioner

VS.

1. The State Election Commissioner
Tamil Nadu Election
Commissioner Office
No. 208/2, Jawaharlal Nehru Road
Opp. CMBT, Arumbakkam,
Chennai – 600 106
2. The District Election Officer
cum District Collector
Perambalur, Perambalur District.
3. The Returning Officer cum
The Block Development Officer
Alathur Panchayat Union
Perambalur District.
4. Mrs. Shanthi
W/o. Pachamuthu
Nedu Theru, Thimmur Village
Kulthanur Post
Kunnam Taluk
Perambalur District.

...Respondents

This Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order passed by the learned District Judge, Perambalur Election Tribunal in Election O.P No.2/2011 dated 18.11.2013 and order recounting of the votes as prayed for and for further orders.

For Petitioner : Mr. M. Muthappan

For Respondents : Mr. T. Jayaramaraj for R2 & R3

Mr. S. Parthasarathy for R4

No Appearance for R1

ORDER

This Civil Revision Petition arises against the order passed by the learned District Judge, Perambalur Election Tribunal in Election O.P No.2/2011 dated 18.11.2013 and prayed to order recounting of the votes.

2. According to the petitioner, the 4th respondent has been elected as the President of the 3rd respondent Panchayat, whose election is disputed by the petitioner, who also contested in the said election. Hence, the petitioner filed EOP No.2/2011 before the District Court, Perambalur, challenging the biased election and seeking for recounting of all the votes polled for the post of President relating to the Panchayat Election for

Thimmur Panchayat held on 19.10.2011 and to declare the election result of the 3rd respondent as null and void and also prayed for other reliefs. The said O.P was dismissed by the Tribunal. Aggrieved by the said order, the petitioner has filed the present Civil Revision Petition.

3. Learned counsel for the respondents submitted that the term of office is only for five years and now the term had expired. Subsequently, the Government have issued fresh notification on 26.09.2016 for conduct of the election in Corporations, Municipalities, Third Grade Municipalities and Town Panchayats for Ward Members/ Councillors in the Tamil Nadu Government Gazette No.229, in exercise of the powers conferred under sub Section (1) of Section 43-B of the Tamil Nadu District Municipalities Act, 1920. A copy of the same has also been produced before this Court. Hence, he pleaded that nothing survives in the civil revision petition and the same is liable to be dismissed.

4. As pointed out by the learned counsel for the respondents, no interim orders has been granted by this Court, at the time of admission. In the light of the above submissions made by the learned counsel for the respondents and the notification, nothing survives in the present civil

revision petition and the prayer sought for, cannot be considered, at this stage.

5. Therefore, this Civil Revision Petition is dismissed as infructuous. No order as to costs.

07.03.2017

Index : yes / no

Speaking Order/ Non speaking order

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D.KRISHNAKUMAR, J.

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