

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.11638/2017 and WMP.No.12656/2017

P.Anandakumar

Petitioner

Vs

1. Tamil Nadu State election Commission
Rep. by its Secretary,
Koyambedu,
Chennai.
 2. The District Collector/District Electoral Officer,
Salem.
 3. Asst. Director of Town Panchayat,
Salem Region,
District Collectorate, Salem.
 4. Revenue Divisional Officer,
Sankagiri,
Salem District.
 5. Executive Officer,
Arasiramani Town Panchayat,
Sankagiri Taluk, Salem District.
- ..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus by calling for the records pertaining to the passed impugned order in Na.Ka.No.25/2017 Dated 20.04.2017 on the file of the 5th Respondent and quash the same; consequentially directing the respondents to restore the original polling booth for ward No.8 of Arasiramani Town Panchayat, Sankagiri Taluk, Salem District at Panchayat Union Elementary School, Chinnampalayam (South facing building on Eastern Side) instead of Chettyypatti Government High School for the forthcoming local body election and in future.

For Petitioner : Mr.R.Neelakandan
For Respondents : Mr.B.Nedunchezian for R1
Mr.M.Elumalai, GA for R2 to R4

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.B.Nedunchezian, learned counsel accepts notice on behalf of the 1st respondent and Mr.M.Elumalai, learned Government Advocate accepts notice on behalf the respondents 2 to 4.

2 The petitioner claims to be the elected Councilor of Ward NO.8 of Arasiramani Town Panchayat in Sankagiri Taluk, Salem District, and he is also one of the voters in Part I of Ward No.8 and his name is found in Serial No.309 . The petitioner would state that in Ward No.8 of Arasiramani Town Panchayat, 5 blocks and 5 streets and 905 voters (437 men and 468 women) are there in the said Ward as per the last Voters' List during the year 2016. It is the specific case of the petitioner that the polling booth for the said Ward No.8 for Local Body Election is usually located at Panchayat Union Elementary School, Chinnampalayam and the voters in that regard has also found easy to reach the polling station and cast their votes and however, in the local body election to be conducted, the polling booth has been shifted to Chettypatti Government High School in Kaveripatti Village, which is 5 Kilo meter away from the present polling booth.

3 The grievance expressed by the petitioner is that due to shifting of polling booth, the voters will find grave hardship to reach the polling booth on time and cast their votes and in this regard, the petitioner has submitted a representation dated 06.04.2017 to the 5th respondent, who without taking into consideration the merits of the representation and without assigning proper reason, has rejected the same vide impugned communication dated 20.04.2017 and challenging the legality of the same, had filed this writ petition.

4 The Learned counsel appearing for the petitioner would submit that the petitioner in his representation dated 06.04.2017 has made out the case for retention of the polling station / station on Panchayat Union Elementary School, Chinnampalayam and without taking note of the inconvenience cast to the voters and without proper application of the mind, the polling booth has been shifted to Chettypatti Government High School, which is 5kms away from the present polling booth and hence prays for interference.

5 Per contra, Mr.B.Nedunchezhiyan, learned standing counsel appearing for 1st respondent would submit that in pursuant to the orders passed by this Court, the local body election have been postponed and as such, the petitioner is not inclined to have any cause of action to pursue this Writ

Petition and prays for dismissal of the writ petition.

6 Heard the submissions of Mr.M.Elumalai, learned Government Advocate appearing for the respondents 2 to 4.

7 This Court has considered his rival submission and also perused the materials placed before it.

8 Rule 11 of the Tamil Nadu Panchayats [Election] Rules, 1995, speaks about the provisions of Polling Stations and as per the said provision, "the District Election Officer, provide sufficient number of Polling Stations for every Panchayat, in such manner as the State Election Commission may direct....." and Rule 21 speaks about the Procedure for lodging claims and objections. With regard to the location of Polling station. However, no provision is available for lodging of the objections regarding the retention/shifting of poll booths.

9 This Court taking into consideration of the fact that the Local Body election has been postponed, is of the view that as on today nothing survives for adjudication in this writ petition.

10 However, the petitioner is at liberty to submit a detailed representation to the District Election Officer as well as the State Election officer for relocation of the polling station and as and when such representation is received, the said authorities shall consider the same in accordance with law and pass appropriate orders as expeditiously as possible.

11 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is also closed.

s/d-
सतयमेव जयते

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

sk/rka

To

1. The Secretary,
Tamil Nadu State election Commission
Koyambedu, Chennai.

2. The District Collector/District Electoral Officer,
Salem.

3. Asst. Director of Town Panchayat,
Salem Region, District Collectorate, Salem.

4. Revenue Divisional Officer,
Sankagiri, Salem District.

5. Executive Officer,
Arasiramani Town Panchayat,
Sankagiri Taluk, Salem District.

+1 CC to Mr.R. Neelakandan, Advocate sr 47118

+1 CC to Govt. Pleader sr 47220

WP.No.11638 of 2017

SP(21/07/2017)



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