

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 8TH DAY OF NOVEMBER 2017

THE HON'BLE MR. JUSTICE P.N.PRAKASH

Election Petition No. 20 of 2016

and

O.A.Nos.28, 748 and 749 of 2017

ELP No.20 of 2016

A.Munusamy,
S/o.R.Arumugam,
No.3/365, Padavattamman Koil Street,
Kazhipattur Village, Padur Post,
Thiruporur Taluk,
Kanchipuram District Pin 603 103. Petitioner

-VS-

1.R.T.Arasu,
S/o.Thandiyan,
No.1/22, Mariyamman Koil Street,
Irumbedu Village, Maduranthagam Taluk,
Kanchipuram District 603 301.

2.P.Sampath,
No.51, Thenneripattu Village,
Vellore Post, Cheyyur Taluk,
Kanchipuram District 603 401.

3.T.Ramesh,
No.14, Manju Villagam, Paraman Keni,
Sekkanankuppam Post, Cheyyur Taluk,
Kanchipuram District 603 305.

4.Ehil Karoline,
No.64, Padmavathi Nagar Main Road,
Madampakkam, Chennai 600 126.

5.I.Kannan,
No.5/645, Kalaimagal Street,
New Otteri Extention, Vandalur,
Chennai 600 048.

6.V.Sadaiyappan,
No.3-14/3-133, Mariyamman Koil Street,
Ottiyambakkam Village, Thalambur Post,
Cholinganallur Taluk,
Kanchipuram District 600 073.

- 7.A.Dasarathan,
No.7, Ottraivadai Street,
Illedu Village,
Soonambedu Post, Cheyyur Taluk,
Kanchipuram District 603 401.
 - 8.S.Krishnaraj,
No.60/3, Chengeniamman Koil Street,
Sengattur Village & Post,
Cheyyur Taluk,
Kanchipuram District 603 302.
 - 9.C.Senthilkumar,
No.6112, Pettai Street,
Devarajapuram,
Cheyyur Village Post & Taluk,
Kanchipuram District 603 302.
 - 10.K.Dhinakaran,
No.33, New Colony, Kalkulam Village,
Cheyyur Taluk, Kanchipuram District.
 - 11.S.Munusamy,
Dr.Ambedkar Street,
Gangadevakuppam Village,
Seempulipuram Post, Cheyyur Taluk,
Kanchipuram District.
 - 12.P.Ramachandran,
No.395, Malai Colony,
Kadukkapattu Village,
Palur Post, Cheyyur Taluk,
Kanchipuram District 603 302.
 - 13.The District Election Officer/
District Collector,
Collectorate Kanchipuram,
Kanchipuram District.
 - 14.The Returning Officer,
34, Cheyyur (SC) Assembly Constituency and
Special Deputy Collector
(Social Security Scheme)
Kanchipuram District.
- ... Respondents

This Election Petition praying that this Hon'ble Court
be pleased to (i) order re-counting of all the postal
votes, polled in No.34-Cheyyur (SC) Assembly Constituency
in the General Election to the Tamil Nadu Legislative

Assembly held in the year 2016. (ii) declare that the Election of the 1st Respondent from No.34-Cheyyur (SC) Assembly Constituency in the General Election to the Tamil Nadu Legislative Assembly as null and void; (iii) declare that the petitioner as elected from the No.34-Cheyyur (SC) Assembly Constituency in the general Election to the Tamil Nadu Legislative Assembly (iv) direct the 1st respondent to pay the costs of the petition.

OA.NO.28 of 2017

R.T.Arasu,
S/o.Thandiyan,
No.1/22, Mariyamman Koil Street,
Irumbedu Village, Maduranthagam Taluk,
Kanchipuram District 603 301.

... Applicant/1st Respondent

-VS-

1.A.Munusamy,
S/o.R.Arumugam,
No.3/365, Padavattamman Koil Street,
Kazhipattur Village, Padur Post,
Thiruporur Taluk,
Kanchipuram District,
Pin 603 103.

... 1st Respondent/Petitioner

2.P.Sampath,
No.51, Thenneripattu Village,
Vellore Post, Cheyyur Taluk,
Kanchipuram District 603 401.

3.T.Ramesh,
No.14, Manju Villagam, Paraman Keni,
Sekkanankuppam Post, Cheyyur Taluk,
Kanchipuram District 603 305.

4.Ehil Karoline,
No.64, Padmavathi Nagar Main Road,
Madampakkam, Chennai 600 126.

5.I.Kannan,
No.5/645, Kalaimagal Street,
New Otteri Extention, Vandalur,
Chennai 600 048.

- 6.V.Sadaiyappan,
No.3-14/3-133, Mariyamman Koil Street,
Ottiyambakkam Village, Thalambur Post,
Cholinganallur Taluk,
Kanchipuram District 600 073.
- 7.A.Dasarathan,
No.7, Ottraivadai Street,
Illedu Village,
Soonambedu Post, Cheyyur Taluk,
Kanchipuram District 603 401.
- 8.S.Krishnaraj,
No.60/3, Chengeniamman Koil Street,
Sengattur Village & Post,
Cheyyur Taluk,
Kanchipuram District 603 302.
- 9.C.Senthilkumar,
No.6112, Pettai Street,
Devarajapuram,
Cheyyur Village Post & Taluk,
Kanchipuram District 603 302.
- 10.K.Dhinakaran,
No.33, New Colony, Kalkulam Village,
Cheyyur Taluk, Kanchipuram District.
- 11.S.Munusamy,
Dr.Ambedkar Street,
Gangadevakuppam Village,
Seempulipuram Post, Cheyyur Taluk,
Kanchipuram District.
- 12.P.Ramachandran,
No.395, Malai Colony,
Kadukkapattu Village,
Palur Post, Cheyyur Taluk,
Kanchipuram District 603 302.
- 13.The District Election Officer/
District Collector,
Collectorate Kanchipuram,
Kanchipuram District.
- 14.The Returning Officer,
34, Cheyyur (SC) Assembly Constituency and
Special Deputy Collector
(Social Security Scheme)
Kanchipuram District. ... Respondents / Respondents

O.A.No.28 of 2017

The Original Application praying that this Hon'ble Court be pleased to reject the Election Petition No.20 of 2016.

O.A.Nos.748 & 749 of 2017

- 1.The District Election Officer/
District Collector,
Kanchipuram Collectorate .
Kanchipuram District.
- 2.The Returning Officer,
34, Cheyyur (SC) Assembly Constituency and
Deputy Collector
(Social Security Scheme)
Kanchipuram. Applicants/
13th & 14th Respondents

-Vs-

- 1.A.Munusamy,
S/o.R.Arumugam,
No.3/365, Padavattamman Koil Street,
Kazhipattur Village, Padur Post,
Thiruporur Taluk,
Kanchipuram District,
Pin 603 103. 1st Respondent/Petitioner
- 2.R.T.Arasu,
S/o.Thandiyan,
No.1/22, Mariyamman Koil Street,
Irumbedu Village, Maduranthagam Taluk,
Kanchipuram District 603 301.
- 3.P.Sampath,
No.51, Thenneripattu Village,
Vellore Post, Cheyyur Taluk,
Kanchipuram District 603 401.
- 4.T.Ramesh,
No.14, Manju Villagam, Paraman Keni,
Sekkanankuppam Post, Cheyyur Taluk,
Kanchipuram District 603 305.
- 5.Ehil Karoline,
No.64, Padmavathi Nagar Main Road,
Madampakkam, Chennai 600 126.

- 6.I.Kannan,
No.5/645, Kalaimagal Street,
New Otteri Extention, Vandalur,
Chennai 600 048.
- 7.V.Sadaiyappan,
No.3-14/3-133, Mariyamman Koil Street,
Ottiyambakkam Village, Thalambur Post,
Cholinganallur Taluk,
Kanchipuram District 600 073.
- 8.A.Dasarathan,
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Kanchipuram District 603 401.
- 9.S.Krishnaraj,
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Sengattur Village & Post,
Cheyyur Taluk,
Kanchipuram District 603 302.
- 10.C.Senthilkumar,
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Cheyyur Village Post & Taluk,
Kanchipuram District 603 302.
- 11.K.Dhinakaran,
No.33, New Colony, Kalkulam Village,
Cheyyur Taluk, Kanchipuram District.
- 12.S.Munusamy,
Dr.Ambedkar Street,
Gangadevakuppam Village,
Seempulipuram Post, Cheyyur Taluk,
Kanchipuram District.
- 13.P.Ramachandran,
No.395, Malai Colony,
Kadukkapattu Village,
Palur Post, Cheyyur Taluk,
Kanchipuram District 603 302.

... Respondents/Respondents

O.A.No.748 of 2017

This Original Application praying that this Hon'ble
<https://hcservices.ecourts.gov.in/hcservices/>
 Court be pleased to strike off the 13th respondent as a
 respondent in the Election Petition No.20 of 2016.

O.A.No.749 of 2017

This Original Application praying that this Hon'ble Court be pleased to strike off the 14th respondent as a respondent in the Election Petition No.20 of 2016.

The above Election Petition and Original Applications coming on this day before this Court for hearing in the presence of Mr.A.Navaneethakrishnan, Senior Counsel for Mr.M.Jothikumar, advocate for the Election Petitioner in ELP.No.20 of 2016 and for the 1st respondent/Petitioner in OA.Nos.28 of 2017, 748 of 2017 & 749 of 2017, Mr.P.Wilson, Senior Counsel for M/s.Wilson Associates, advocates for the 1st respondent in ELP.No.20 of 2016 and for Applicant/1st Respondent in OA.No.28 of 2017 and for 2nd Respondent/1st Respondent in OA.Nos.748 & 749/2017 and Mr.Niranjan Rajagopalan, advocate for M/s.G.R.Associates, advocate for the respondents 13 & 14 in ELP.No.20 of 2016, OA.28 of 2017 and for the applicants/13th & 14th Respondents in OA.Nos.748 & 749/2017; and upon reading the petition and affidavit of A.Munusamy, filed in ELP.No.20 of 2016; and upon reading the Judges Summon and affidavit of R.T.Arasu, filed in O.A.No.28 of 2017; and upon reading the Judges Summon and affidavit of Rajesh Lakhoni, filed in O.A.Nos.748 & 749 of 2017; and the Common Counter Affidavit of A.Munusamy, filed in OA.Nos.28 & 29 of 2017 and this Court having observed that in view of the order dated 07.11.2017 passed by this

Court in O.A. No.29 of 2017 filed by the Returned Candidate under Order VI Rule 16 of the Civil Procedure Code, striking off paragraph nos.20 to 31 of this election petition, nothing survives for adjudication in this election petition,

IT IS ORDERED AS FOLLOWS :-

(i) That the Election Petition No.20 of 2016 be and is hereby dismissed.

(ii) That the OA.Nos.28 of 2017, 748 of 2017 and 749 of 2017 be and are hereby closed.

WITNESS, THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID THIS THE 8TH DAY OF NOVEMBER 2017.

SD/-

ASSISTANT REGISTRAR
Original Side - I

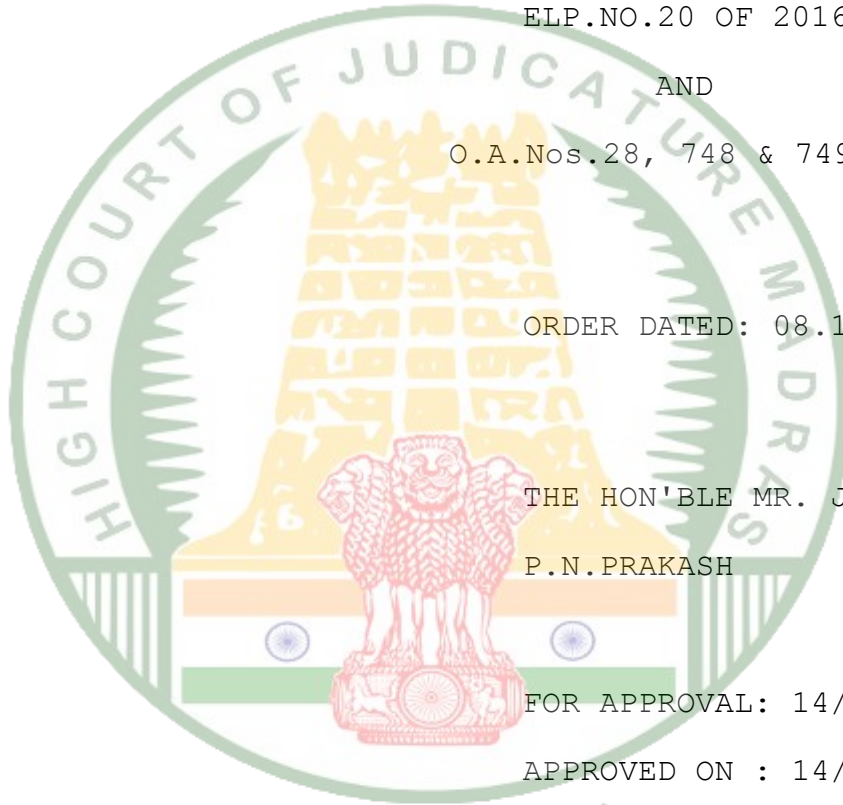
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DATED THIS THE DAY OF 2017

MANAGER
INSOLVENCY OFFICE

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cns.13.11.2017



ELP.NO.20 OF 2016

AND

O.A.Nos.28, 748 & 749 of 2017

ORDER DATED: 08.11.2017

THE HON'BLE MR. JUSTICE

P.N.PRAKASH

FOR APPROVAL: 14/11/2017

APPROVED ON : 14/11/2017

To

1.The Speaker
Tamil Nadu Assembly
(Through Secretary
Tamil Nadu Legislative
Assembly Constituency
Chennai - 600 002

2.The Election Commission
of India

Through the Secretary,
New Delhi

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 8TH DAY OF NOVEMBER 2017

THE HON'BLE MR. JUSTICE P.N.PRAKASH

Election Petition No. 20 of 2016

and

O.A.Nos.28, 748 and 749 of 2017

ELP No.20 of 2016

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S/o.R.Arumugam,
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Kazhipattur Village, Padur Post,
Thiruporur Taluk,
Kanchipuram District Pin 603 103. Petitioner

-VS-

1.R.T.Arasu,
S/o.Thandiyan,
No.1/22, Mariyamman Koil Street,
Irumbedu Village, Maduranthagam Taluk,
Kanchipuram District 603 301.

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No.51, Thenneripattu Village,
Vellore Post, Cheyyur Taluk,
Kanchipuram District 603 401.

3.T.Ramesh,
No.14, Manju Villagam, Paraman Keni,
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Kanchipuram District 603 305.

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Kanchipuram District 603 401.

8.S.Krishnaraj,
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Cheyyur Taluk,
Kanchipuram District 603 302.

9.C.Senthilkumar,
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Devarajapuram,
Cheyyur Village Post & Taluk,
Kanchipuram District 603 302.

10.K.Dhinakaran,
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Cheyyur Taluk, Kanchipuram District.

11.S.Munusamy,
Dr.Ambedkar Street,
Gangadevakuppam Village,
Seempulipuram Post, Cheyyur Taluk,
Kanchipuram District.

12.P.Ramachandran,
No.395, Malai Colony,
Kadukkapattu Village,
Palur Post, Cheyyur Taluk,
Kanchipuram District 603 302.

13.The District Election Officer/
District Collector,
Collectorate Kanchipuram,
Kanchipuram District.

14.The Returning Officer,
34, Cheyyur (SC) Assembly Constituency and
Special Deputy Collector
(Social Security Scheme)
Kanchipuram District.

... Respondents

This Election Petition praying that this Hon'ble Court

votes, polled in No.34-Cheyyur (SC) Assembly Constituency in the General Election to the Tamil Nadu Legislative Assembly held in the year 2016. (ii)declare that the Election of the 1st Respondent from No.34-Cheyyur (SC) Assembly Constituency in the general Election to the Tamil Nadu Legislative Assembly as null and void; (iii) declare that the petitioner as elected from the No.34-Cheyyur (SC) Assembly Constituency in the general Election to the Tamil Nadu Legislative Assembly (iv)direct the 1st respondent to pay the costs of the petition.

OA.NO.28 of 2017

R.T.Arasu,
S/o.Thandiyan,
No.1/22, Mariyamman Koil Street,
Irumbedu Village, Maduranthagam Taluk,
Kanchipuram District 603 301.

... Applicant/1st Respondent
-VS-

1.A.Munusamy,
S/o.R.Arumugam,
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Kazhipattur Village, Padur Post,
Thiruporur Taluk,
Kanchipuram District,
Pin 603 103.

... 1st Respondent/Petitioner

2.P.Sampath,
No.51, Thenneripattu Village,
Vellore Post, Cheyyur Taluk,
Kanchipuram District 603 401.

3.T.Ramesh,
No.14, Manju Villagam, Paraman Keni,
Sekkanankuppam Post, Cheyyur Taluk,
Kanchipuram District 603 305.

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Sengattur Village & Post,
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Kanchipuram District 603 302.
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Cheyyur Village Post & Taluk,
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Cheyyur Taluk, Kanchipuram District.
- 11.S.Munusamy,
Dr.Ambedkar Street,
Gangadevakuppam Village,
Seempulipuram Post, Cheyyur Taluk,
Kanchipuram District.
- 12.P.Ramachandran,
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- 13.The District Election Officer/
District Collector,
Collectorate Kanchipuram,
Kanchipuram District.
- 14.The Returning Officer,
34, Cheyyur (SC) Assembly Constituency and
Special Deputy Collector
(Social Security Scheme)
Kanchipuram District.

O.A.No.28 of 2017

The Original Application praying that this Hon'ble Court be pleased to reject the Election Petition No.20 of 2016.

O.A.Nos.748 & 749 of 2017

- 1.The District Election Officer/
District Collector,
Kanchipuram Collectorate .
Kanchipuram District.
- 2.The Returning Officer,
34, Cheyyur (SC) Assembly Constituency and
Deputy Collector
(Social Security Scheme)
Kanchipuram. Applicants/
13th & 14th Respondents

-Vs-

- 1.A.Munusamy,
S/o.R.Arumugam,
No.3/365, Padavattamman Koil Street,
Kazhipattur Village, Padur Post,
Thiruporur Taluk,
Kanchipuram District,
Pin 603 103. 1st Respondent/Petitioner
- 2.R.T.Arasu,
S/o.Thandiyan,
No.1/22, Mariyamman Koil Street,
Irumbedu Village, Maduranthagam Taluk,
Kanchipuram District 603 301.
- 3.P.Sampath,
No.51, Thenneripattu Village,
Vellore Post, Cheyyur Taluk,
Kanchipuram District 603 401.
- 4.T.Ramesh,
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No.33, New Colony, Kalkulam Village,
Cheyyur Taluk, Kanchipuram District.
- 12.S.Munusamy,
Dr.Ambedkar Street,
Gangadevakuppam Village,
Seempulipuram Post, Cheyyur Taluk,
Kanchipuram District.
- 13.P.Ramachandran,
No.395, Malai Colony,
Kadukkapattu Village,
Palur Post, Cheyyur Taluk,
Kanchipuram District 603 302.

... Respondents/Respondents

O.A.No.748 of 2017

This Original Application praying that this Hon'ble

<https://hcservices.eco.nic.in/hcservices/> pleased to strike off the 13th respondent as a

respondent in the Election Petition No.20 of 2016.

O.A.No.749 of 2017

This Original Application praying that this Hon'ble Court be pleased to strike off the 14th respondent as a respondent in the Election Petition No.20 of 2016.

These Election Petition and Original Applications coming on this day before this Court for hearing in the presence of Mr.A.Navaneethakrishnan, Senior Counsel for Mr.M.Jothikumar, advocate for the Election Petitioner in ELP.No.20 of 2016 and for the 1st respondent/Petitioner in OA.Nos.28 of 2017, 748 of 2017 & 749 of 2017, Mr.P.Wilson, advocate for M/s.Wilson Associates, advocates for the 1st respondent in ELP.No.20 of 2016 and for Applicant/1st Respondent in OA.No.28 of 2017 and for 2nd Respondent/1st Respondent in OA.Nos.748 & 749/2017 and Mr.Niranjan Rajagopalan, advocate for M/s.G.R.Associates, advocate for the respondents 13 & 14 in ELP.No.20 of 2016, OA.28 of 2017 and for the applicants/13th & 14th Respondents in OA.Nos.748 & 749/2017; and upon reading the petition and affidavit of A.Munusamy, filed in ELP.No.20 of 2016; and upon reading the Judges Summon and affidavit of R.T.Arasu, filed in O.A.No.28 of 2017; and upon reading the Judges Summon and affidavit of Rajesh Lakhoni, filed in O.A.Nos.748 & 749 of 2017; and the Common Counter Affidavit of A.Munusamy, filed herein,

The Court made the following order:-

In view of the order dated 07.11.2017 passed by this Court in O.A. No.29 of 2017 filed by the Returned Candidate under Order VI Rule 16 of the Civil Procedure Code, striking off paragraph nos.20 to 31 of this election petition, nothing survives for adjudication in this election petition.

2 Accordingly, this election petition is dismissed. No costs. Consequently, connected O.A. No.28 of 2017 filed by the Returned Candidate and also O.A. Nos.748 and 749 of 2017 filed by the District Election Officer/District Collector, Kanchipuram District and the Returning Officer are closed.

WITNESS, THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID THIS THE 8TH DAY OF NOVEMBER 2017.

SD/-

ASSISTANT REGISTRAR
Original Side - I

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DATED THIS THE DAY OF 2017

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MANAGER
INSOLVENCY OFFICE

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cns.13.11.2017

ELP.NO.20 OF 2016

AND

O.A.Nos.28, 748 & 749 of 2017

ORDER DATED: 08.11.2017

THE HON'BLE MR. JUSTICE

P.N.PRAKASH

FOR APPROVAL:

APPROVED ON :

To

सत्यमेव जयते

1.The Speaker
Tamil Nadu Assembly
(Through Secretary
Tamil Nadu Legislative
Assembly Constituency
Chennai - 600 002

2.The Election Commission
of India
Through the Secretary,
New Delhi

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