

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

W.P.No.34812 of 2016
and
W.M.P.No.6114 of 2017

S.R.Nallasivam ... Petitioner

vs

- 1.The State Election Commissioner,
Office of State Election Commission,
Vadapalani, Chennai.
- 2.The District Collector,
Erode District, Erode.
- 3.The Director
Rural Development and Panchayat
Raj Department, Panagal Maligai,
Saidapet, Chennai-15.
- 4.The Director of Planning
District Rural Development Committee,
Erode District.
- 5.The Block Development Officer,
(Village Panchayat)
Modakurichi Union, Erode District.
- 6.The President
Nanjai Uthukuli Village Panchayat,
Modakurichi Union, Erode District.
- 7.A.Saravanan
- 8.S.Chithra

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issue of Writ of Mandamus to direct the 2nd respondent to debar the 7th respondent from contesting in the Panchayat Election by considering the petitioner representation dated 19.09.2016.

For Petitioner : Mr.P.Gopiraj

For Respondents : Mr.P.Thiagarajan for R-1

: Mr.R.A.S.Senthilvel,
Addl.G.P. for RR 2 to 6

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner has come forward to file this writ petition alleging that respondent no.7, having suffered an order from respondent no.5 dated 21.06.2016 for his misconduct in his position as a Ward member in the allotment of funds in the name of respondent no.8, shall not be permitted to contest the ensuing Panchayat election in pursuance to the representation made by him on 19.09.2016.

3.This Court is afraid that this is a matter which can be looked into by the concerned authority as and when the nomination is filed by respondent no.7. Admittedly, as of now, the election process has not begun and it is not known as to whether the seventh respondent would file his nomination or not. Thus, there is no cause of action that has arisen at present.

4.Accordingly, the writ petition stands disposed of, with liberty to the petitioner to approach the authorities concerned in the event of the seventh respondent filing his nomination in the ensuing Panchayat election. Consequently, W.M.P.No.6114 of 2017 is closed. No costs.

5.Needless to state that the concerned authority will have to look into the nomination of respondent no.7, if so filed and do the needful.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The State Election Commissioner,
Office of State Election Commission,
Vadapalani, Chennai.
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Erode District, Erode.
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Modakurichi Union, Erode District.
- 6.The President
Nanjai Uthukuli Village Panchayat,
Modakurichi Union, Erode District.

+lcc to M/S.P.Gopiraja, Advocate Sr.16996
+lcc to M/S.P.Thiagarajan, Advocate Sr.17377
+lcc to the Government Pleader Sr.17056

सत्यमेव जयते

W.P.No.34812 of 2016

rsk[co]
srg 5/4/2017

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