

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated: 22.02.2017****Coram****THE HON'BLE MR.JUSTICE M.S.RAMESH****Writ Petition (MD)No.3031 of 2013**

Vanithakala

... Petitioner

Vs

1.The Chief Election Officer,
Indian Election Commission,
Tamilnadu,
Chennai-9.

2.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

3.The Deputy Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

4.Thangaraj,
The Village Administrative Officer,
Sathanoor,
Ilayangudi Taluk,
Sivagangai District.

5.Satheesh Kumar,
The Village Assistant,
Sathanoor Ilayangudi Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to take appropriate action against the 4th and 5th respondents for their breach of official duty, more particularly under the representation of People Act, 1950 and under Section 193 of Indian Penal Code, by considering the representation given by the petitioner, dated 17.06.2011 and 29.03.2012 within the time stipulated by this Court.



For petitioner : Mr.N.Sathish Babu
For R1 to R3 : Mr.M.Alagathevan
Special Government Pleader
For R4 and R5 : Mr.V.K.Saravanan

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ORDER

The writ petition has been filed for a Writ of Mandamus directing the respondents 1 to 3 to take appropriate action against the 4th and 5th respondents for their breach of official duty, more particularly under the representation of People Act, 1950 and under Section 193 of Indian Penal Code, by considering the representation given by the petitioner, dated 17.06.2011 and 29.03.2012.

2. The petitioner's grievance is that though he has been living in Vaniyakudi Village, his name was not included in the electoral roll, in view of the instigation of the fourth and fifth respondents. Subsequently, the petitioner had filed a writ petition in W.P.(MD).No.4808 of 2012, in which the second respondent was directed to consider his representation, his name came to be included in the electoral roll. Hence, he had made a representation seeking for action to be taken against the fourth and fifth respondents, who were instrumental for not including his name at an earlier point of time.

3. Today, when the writ petition was called, the learned counsel for the fourth and fifth respondents submitted that the 4th respondent had died and that the fifth respondent was only acting on the instructions of the fourth respondent and therefore, he had no independent role played in the non - inclusion of the petitioner's name in the rolls.

4. In view of the death of the fourth respondent, the petitioner's request to take action against him does not arise. Likewise, the fifth respondent, who had been acting under the fourth respondent also pleads innocence. I do not see any grounds to direct the respondents 1 to 3 to act on the petitioner's representation.

5. In view of the same, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CO)

/True copy/



To

1.The Chief Election Officer,
Indian Election Commission, Tamilnadu, Chennai-9.

2.The Tahsildar,
Ilayangudi Taluk, Sivagangai District.

3.The Deputy Tahsildar,
Ilayangudi Taluk, Sivagangai District.

+1 cc to M/s.N.Sathish Babu, Advocate in SR.No.10347

+1 cc to The Special Government Pleader in SR.No.10092

akv

CSL/PM-PN/17.03.2017 :3P/6C

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