

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 23RD DAY OF FEBRUARY 2018

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.A NOS.653, 654 & 975 OF 2017

in

Election Petition No. 1 of 2017

Elp.No.1 of 2017

A.P.Geetha,
D/o.Perumal,
Door No.New No.89, Old No.100,
Vanniar Street (Otha Vadai Street)
Kodambakkam, Vadapalani,
Chennai 600 024. Petitioner

-VS-

- 1.The Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi.
- 2.The Chief Electoral officer,
Public (Elections) Department,
Government of Tamil nadu,
Secretariat, Fort St.George,
Chennai 600 009.
- 3.The District Electoral Officer cum
District Collector,
Karur District,
Karur.
- 4.The Returning Officer,
134, Aravakurichi Assembly Constituency,
Tahsildar office,
Aravakurichi Karur District.
- 5.Senthilbalaji V.
No.123, Rameswarpatti,
Manmangalam (PO),
Manmangalam Tk,
Karur District.
- 6.Pallani Shamy K.C.,
No. 5/2, Anna Salai,
Ward No.19, Karur Ttown,
Karur District.

7. Prabhu S.
No.1, Kamaraj Nagar,
Aravakurichi,
Aravakurichi Taluk,
Karur District.
8. Muthu M.
No.25, Nh7 East Street,
Aravakurichi,
Aravakurichi Taluk,
Karur District.
9. Aravinth G.
91, Thalavapalayam West,
Punjai Thottaikurichi,
Manmangalam Taluk.
Karur District.
10. Chandran S.
New No.115, Old No.67,
Kamaraj Nagar, Pothanur,
Paramathi Velur Taluk,
Namakkal District.
11. Tamilcheran Sa.Su.
No.8/86, Pasupathipalayam,
Punnam (PO),
Aravakurichi,
Karur District.
12. Thekkamalai P.
1/158, Veeriyapatti,
Kaniyalampatti (Post),
Kadavur Taluk,
Karur District.
13. Baskaran M.
No.3/7B, Puthupalayam,
Nerur (Post)
Manmangalam Taluk,
Karur District.
14. Rajesh Kumar P.
4/432, Arangapalayam (PO)
Chinnadharapuram Via,
Aravakurichi Taluk,
Karur District.
15. Ashokkumar N.
Old No.64, New No.73,
Thirukattuthurai,
Nanjai Pugalur Post,

Manmangalam Taluk,
Karur District.

16.Kannan R.
No.32, Parasakthi Illam,
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17.Karthikeyan B.K.
No.39-A, Kamarah Road,
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18.Krishnamoorthy S.
26/50, Narasimmapuram,
Middle Street,
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Karur, Karur District.

20.Sivakumar S.
No.1/292, Dheera Chinnamalai Nagar,
Semmadai, Rameswarapatty,
Manmangalam Taluk,
Karur District.

21.Sivashanmugam M.
No.22, Tirupathi Layout,
Ward No.20, Karur,
Karur District.

22.Sukumaran N.
817, Erode Road,
Vellakovil Town,
Tirupur District.

23.Sundareswaran M
Door No.31C, Old Bazar Street,
Karur Taluk,
Karur District.

24.Senthil Kumar N.
No.4, Sree Illam, L.R.G.Colony,
Ward No.5, Andankoil East,
Karur District.

25.Selvaraj S.
Door No.8/71, Vedichipalayam,
Nerur South, Manmangalam Taluk,
Karur District.

- 26.Thangapandian R.
No.4/70, Rajaji Road,
palani, Dindugal District.
- 27.Dasaprakash K.
Door No.2/1, Mahalakshmi Garden,
Gandhigramam South,
Pasupathipalayam post,
Karur District.
- 28.Palanisamy K.
2/171, Merkur,
Manmangalam Taluk,
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- 29.Palanisamy M.
Door No.6/69A, Sevanthipalayam,
Nanniyur Post,
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- 30.Babu G.
No.44 D, Railway Colony,
Karur, Karur District.
- 31.Balasubramani K.
32 B, Othaiyur Road,
T.Selandipalayam,
Karur, Karur District.
- 32.Baskar P.
No.20/18, Mettupalayam,
Kadambankurichi Village,
East Tavuttupalayam Post,
Manmangalam Taluk,
Karur District.
- 33.Pitchaimuthu T.
No.3A, Muninathapuram,
Vettamangalam East,
Samangi Post,
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- 34.Magudeeswaran K
Door No.41-H/5,
Anbu Nagar, 1st Street,
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- 35.Mani C.
No.D24, Salaithottam,
Pugalur Sugar Factory post,

Manmangalam Taluk,
Karur District.

36.Manikandan M.
No.45, Muthaladampatti,
Thanthonimalai,
Karur, Karur District.

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No.41, Anna Nagar 2nd Street,
Rayanoor,
Thoranakkaipatti Post,
Karur Karur District.

38.Muthukumar G.
No.10/2, Bharathidasan Nagar,
Thanthoni,
Karur, Karur District.

39.Ravi S.P.
20/11-B, Cinnandipatti,
Kalayapatty Post,
Kadavur Taluk,
Karur District.

40.Loganathan K.
New No.3/337, Sellandipalayam,
Somur Post,
Somur Village,
Karur District.

41.Vinothkumar N.
No.1, New Venkateshwara Nagar,
Thanthonimalai, Karur,
Karur District.

42.Jegan T.
No.6/C/1, Vivekanandha Nagar,
11th Cross, Sengunthapuram,
Karur, Karur District.

... Respondents

*Respondents 1 to 4 struck off from
the array of Respondents in ELP No.1
of 2017 as per order of this court
dated 09/02/2018 made in OA No.649
to 652 of 2017.*

OA.Nos.653, 654 of 2017 Senthilbalaji V.

<https://hcservices.ecourts.gov.in/hcservices/>
No.123, Rameswarpatti,
Manmangalam (PO),
Manmangalam Tk,

Karur District.

... Applicants/ 5th Respondent

-vs-

- 1.A.P.Geetha,
D/o.Perumal,
Door No.New No.89, Old No.100,
Vanniar Street (Otha Vadai Street)
Kodambakkam, Vadapalani,
Chennai 600 024. ...1st Respondent/Election Petitioner
- 2.The Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi.
- 3.The Chief Electoral officer,
Public (Elections) Department,
Government of Tamil nadu,
Secretariat, Fort St.George,
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- 4.The District Electoral Officer cum
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- 5.The Returning Officer,
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palani, Dindugal District.
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41.Vinothkumar N.
No.1, New Venkateshwara Nagar,
Thanthonimalai, Karur,
Karur District.

42.Jegan T.
No.6/C/1, Vivekanandha Nagar,
11th Cross, Sengunthapuram,
Karur, Karur District. ...Respondents/Respondents

This Original Application No.653 of 2017 praying that
this Hon'ble Court be pleased to strike out the pleadings
in paragraphs 3 to 9 of election petition.

This Original Application No.654 of 2017 praying that
this Hon'ble Court be pleased to reject the Election
Petition No.1 of 2017 as not maintainable.

OA.No.975 of 2017

Pallani Shamy K.C.,
No.5/2, Anna Salai,
Ward No.19, Karur Ttown,
Karur District.

... Applicant/ 6th Respondent

-vs-

1.A.P.Geetha,
D/o.Perumal,
Door No.New No.89, Old No.100,
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Kodambakkam, Vadapalani,
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No.6/C/1, Vivekanandha Nagar,
11th Cross, Sengunthapuram,
Karur, Karur District. ...Respondents/Respondents

This Original Application No.975 of 2017 praying that this Hon'ble Court be pleased to strike out the pleadings in paragraphs 9 and 9(a) in the Election petition No.1 of 2017.

The above Original Applications having been heard on 16.02.2018 before this Court in the presence of Mr.T.V.Ramanujam, Senior Counsel for M/s.S.Senthil, N.C. Ashok kumar advocates for the applicant/5th respondent in Appln.No.653 & 654 of 2017, and for the 5th respondent in OA No.975 of 2017, Mr.A.Gopinath, advocate for the applicant/6th respondent in OA.No.975 of 2017 and for the 6th respondent in OA Nos.653 and 654 of 2017 and Mr.T.Sivagnanasambandam, advocate for the 1st Respondent/Election Petitioner, Mr.Niranjan Rajagopalan, advocate for M/s.G.R.Associates, advocates for the respondents 2 to 5/respondents 1 to 4 in all Applications herein; and upon reading the Judges summons and affidavit of V.Senthil balaji filed in Appln.Nos.653 & 654/2017, K.V.Palanisamy filed in Appln.No.975 of 2017 and

common counter affidavit, counter affidavit of A.P.Geetha filed in and Appln.653 & 654 of 2017, Appln.975 of 2017 and this court having stood over for consideration till this date and coming on this day before this court for orders in the presence of the above said advocates, **The**

Court made the following order:

The first respondent herein filed election petition ELP.No.1 of 2017 challenging the Election held on 19.11.2016 for 134, Aravakurichi Legislative Assembly Constituency on the ground of improper acceptance of the nomination of the respondents 5 and 6/applicants herein and also for suppressing the material facts in the nomination papers regarding the finding of the Election Commission dated 27.05.2016 and corrupt practice of the respondents 5 and 6/applicants herein.

2. After serving of summons on the respondents in the Election Petition. The 5th respondent/applicant in OA.Nos.653 and 654 of 2017 filed these applications to strike out the pleadings in paragraphs 3 to 9 and to reject the Election Petition respectively. OA.No.975 of 2017 is filed by the 6th respondent/applicant to strike out the pleadings in paragraphs 9 and 9A in the Election Petition.

3. In all the three applications under Order VI Rule 16, Order VII Rule 11 of Code of Civil Procedure, Order XIV Rule 8 of Original Side Rules and Rule 3 of the Madras High Court Election Petition Rules, 1967 supported by affidavits submitting that the election petition does not disclose any

cause of action, the pleadings were lacking in precision and were vague, unspecific, ambiguous and irrelevant to some extent also scandalous and hence amounted to abuse of process of the Court, the pleadings did not disclose any cause of action worth being tried by this Court and paragraphs 3 to 9 of the Election petition No.1 of 2017 is liable to be struck off and the election petition is liable to be rejected.

4. In all the applications first respondent herein filed common counter stating that she has denied the averments made in the affidavit and the election petition discloses the cause of action and also discloses the material facts and particulars, the allegations are relevant and essential to grant relief sought for in the election petition filed under the Representation of People Act [herein after referred to as "Act"] and there is no ground to either strike off the pleadings or to reject the election petition and the same are liable to be dismissed.

5. (i) The learned counsel for the applicant in OA.Nos.653 and 654 of 2017/respondents 5 and 6 in Election Petition No.1 of 2017_would submit that as per Section 83 of the Representation of People Act, 1951 the 1st respondent/election petitioner cannot maintain the election petition without pleading material facts and full particulars as to how the election has materially affected the results in the election. It is alleged that the applicant committed corrupt practice and raised the same as

one of the grounds to declare the election as null and void without setting forth the material facts and full particulars of the corrupt practice alleged by her. The 1st respondent/election petitioner does not disclose any grounds under the Act to declare the election as null and void. The non compliance of the mandatory requirement under the provisions of the Act warrants the rejection of the election petition. The 1st respondent/election petitioner has come forward with vague pleadings and the same does not disclose any cause of action. The election petitioner has not pleaded material particulars and material facts. As per Section 83(1)(a) of the Act, the election petition should contain concise statement of material facts on which the election petitioner relies upon and as per Section 83(1)(b) of the Act, if there is any allegation of corrupt practice the election petitioner shall set forth full particulars of alleged corrupt practice including the full statement regarding the names of the parties alleged to have committed such practice and the date and place of commissions of each corrupt practice.

5.(ii). As far as striking out the pleadings is concerned, paragraphs 3 to 9 in the election petition does not disclose any cause of action and the allegation does not contain any material facts or full particulars which are essential ingredients for an election petition. In

paragraph 4 of the election petition, it is related to the order passed by the Election Commission of India. Further,

in paragraphs 5 to 9 the averments made in the election petition which may be unnecessary, scandalous, frivolous or vexatious, or tend to prejudice, embarrass or delay the fair trial of the election petition and which is otherwise an abuse of the process of the Court.

5 (iii). The learned counsel would further submit that the previous election that was schedule to be held on 16.05.2016 was postponed and thereafter it was cancelled on 27.05.2016, then the election was conducted on 19.11.2016 based on the fresh notification dated 26.10.2016. The proceedings postponing the election cannot be a ground to reject the nomination of the applicant. Further, the email does not disclose any material particulars or facts warranting to set aside the Election. The other emails said to have been sent on 19.11.2016 only reads as video clipping and does not contain any attachment of video clippings. The other emails sent on 17.11.2016, the text only says that the photos taken in Chinnatharapuram, there is no material particulars or materials facts and there is no head or tail, nothing can be made out from those emails.

5 (iv). Further, the 1st respondent has not filed the so called video clippings and the so called photographs along with the election petition. Similarly, the email dated 20.11.2016 is said to have been sent by one M.L.Ravi claiming to be the President. The very same email ID has been used by various persons and various representations are said to have been mailed, the emails does not disclose

any cause of action for the election petition. The authenticity of the emails are disputed and no reliance can be placed and there is no certificate under Section 65B of the Indian Evidence Act.

5 (v). It is well settled law that when the election petition does not contain material facts and full particulars and if any paragraph does not disclose any cause of action for the election petition, the same is liable to be struck off and rejected. The paragraph 7 in the election petition does not contain any cause of action for the election petition and does not contain any material particulars or material facts. The applicant/5th respondent is fully qualified to contest the assembly election and does not possess any disqualification. Once the returning officer is satisfied that the nomination form is in accordance with law, the returning officer has to accept the nomination and there is no jurisdiction vested with the Returning officer to reject a valid nomination. The election petition is bereft of particulars and does not disclose any material particulars or material facts which would give rise to cause of action to set aside the election petition. The provisions of Sections 81 to 84, 98, 100(1), (a), (b), (d), (i), (ii) and (iv) are not at all attracted. The allegations are as vague as vagueness could be and the same does not disclose and cause of action and are liable to be struck down, the pleading in the election petition lack any material particulars and they do

not disclose any cause of action. The affidavit filed by the first respondent herein under Form-25 along with Election Petition is defective. Therefore, the Election Petition is liable to be rejected.

5 (vi). In support of his contentions, the learned counsel for the applicant placed his reliance on the following judgments :-

1. (1983) 2 SCC 473 - M.Karunanidhi v. Dr.H.V.Hande and others.
2. 1986 (supp) SCC 315 - Azhar Hussain v. Rajiv Gandhi.
3. 1987 (supp) SCC 93 - Dhartipakar Madan Lal Agarwal v. Rajiv Gandhi.
4. (1989) 4 SCC 482 - U.S.Sasidharan v. K.Karunakaran.
5. 1994 supp (3) SCC 170 - C.Narayanasamy v. C.k.Kaffer Sharief and others.
6. (2001) 8 SCC 233 - Hari Shanker Jain v. Sonia Gandhi.
7. (2011) 7 SCC 721 - Nandiesh Reddy v. Kavitha Mahesh.
8. (2012) 3 SCC 236 - Narkio Tado v. Takem Sorang and others.
9. (2014) 5 SCC 312 - Arikala Narasa Reddy v. Venkata Ram Reddygari and another.
10. AIR 2006 Madras 17 - T.R.Baalu v. S.Purusothaman and others.

6.(i) The learned counsel for the applicant in OA.No.975 of 2017 would submit that there is no specific allegation against this applicant/6th respondent, when there is no specific allegation, material facts or material particulars, linking the 6th respondent to any specific electoral misconduct, hence prays to strike off the pleadings in paragraphs 9 and 9A in the Election Petition.

6.(ii). The learned counsel also placed his reliance on the following judgments :-

1. (1955) 2 SCR 428 - Bhikji Keshao Joshi and another v. Brijlal Nandlal Biyani and others.
2. (1982) 1 SCC 700 - Mohanlal Gangaram Gehani v. State of Maharashtra.

7. (i). The learned counsel for the first respondent/election petitioner would submit that the election petitioner has met out the requirements under the provisions of the Act. The election petition has to be read out in toto and not as isolated paragraphs. While stating that material facts and particulars has to be given at the very same time under Section 83 of the Act would say that particulars has to be given as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice, the election petitioner has given all the possible materials to disclose the cause of action. The affidavit filed by the election petitioner under Form-

25 is in accordance with the law.

7(ii). The first respondent/election petitioner has sent all the materials to the 5th respondent/returning officer for the irregularities and corrupt practices committed by the applicants and she has also sent emails, video footages and photographs to the 5th respondent. The election petitioner discloses material facts and particulars, the non supply of the materials itself in the election petition is not a ground for rejecting the election petition under Order VII Rule 11 CPC. Therefore, all the three applications are liable to be dismissed.

7(iii). In support of his contentions placed his reliance on the following judgments :-

1. (2001) 4 SCC 428 - G.Mallikarajunappa and another v. Shamanur Shivashankarappa and others.
2. (2004) 7 SCC 181 - Mahadeorao Sukaji Shivankar v. Ramaratan Bapu and others.
3. Air 2005 SCC 22 - Sardar Harcharan Singh Brar v. Sukh Darsham Singh and others.
4. AIR 2006 SCC 713 - Harkirat Singh v. Amarinder Singh.
5. AIR 2007 SCC 581 - Virender Nath Gautam v. Satpal Singh and others.
6. (2012) 7 SCC 788 - Ponnala Lakshmaiah v. Kommuri Pratap Reddy and others.
7. AIR 2015 SCC 16 - C.P.John V. Babu

M.Pallissery and others.

8. <https://IndianKanoon.org/doc/162987866/> - Civil Appeal No.4261 of 2007 dated 09.05.2014 - Kisan Shankar Kathore v. Arun Dattatraya Sawant and others.

9. Unreported judgment of this Court dated 09.01.2018 in WP.No.372 of 2018 - S.V.Ramamurthy v. The State Election Commissioner of Tamil Nadu, Jawaharlal Nehru Road, Koyambedu, Chennai and others.

8. Heard the rival submissions made on both sides and carefully gone through the affidavits and counter affidavits and other materials placed before this Court along with the election petition.

9. The first respondent has filed Election Petition No.1 of 2017 to cancel the bye election held on 19.11.2016 for 134, Aravakuichi Legislative Assembly Constituency and to declare the election as null and void, on the ground that they have suppressed the findings of the election commission in the nomination papers and the Returning Officer improperly accepted the nomination papers and also the applicants have involved in corrupt practices. Hence, the election petition is filed challenging the legality of the election of the returned candidate/5th respondent in the election petition.

10. The returned candidate is shown as 5th respondent and one of the other candidate is shown as 6th respondent in

the election petition. After receiving the summons the applicants/respondents 5 and 6 filed these applications in OA.Nos.653 and 654 of 2017 to strike out the pleadings in paragraph 3 to 9 and to reject the election petition and OA.No.975 of 2017 is filed to reject the pleadings in paragraphs 9 and 9A in the election petition. On the ground that there is no specific allegation against applicant herein and earlier finding given by the election commission is irrelevant. Further, paragraphs 3 to 9 in the election petition is unnecessary, scandalous, frivolous or vexatious, or tend to prejudice, embarrass or delay the fair trial of the election petition and also discloses any allegations or cause of action in the election petition and the election petition is not supported with any material facts and material particulars, hence, the pleadings in paragraphs 3 to 9 are to be struck out and the remaining portion will not disclose any cause of action, therefore, the same should be rejected.

11. No doubt, Order VI Rule 16 and Order VII Rule 11 CPC would be applicable to proceedings under the Representation of the People Act, 1951. Further, it is not in dispute that Election Tribunal can, accordingly, order that allegations of corrupt practices which are vague and lacking in particulars be struck out. Further, the allegations in the election petition are as vague as vagueness could be and does not disclose any cause of action for the election petition, the election petition may

be rejected by invoking Order VII Rule 11 CPC. The tribunal is competent to say that it will not try a particular allegation and order it to be struck out. Before doing so, it must examine the allegations and related to each charge separately and decide whether they are vague and liable to be struck out, and before passing an order under this rule consider any application for amendment. The pleadings have to be read as a whole and not as isolated paragraphs. This Court has power to strike out the pleadings even before filing of written statement by the respondent, when it finds that the remaining part of the pleadings does not disclose a cause of action, it has powers to reject the petition under Order VII Rule 11 of the code of Civil Procedure.

12. In this case, on a perusal of the election petition No.1 of 2017, the same does not attract any of the conditions mentioned in Order VI Rule 16 and order VII Rule 11 of code of civil procedure and therefore it need not be strike out, the election petitioner discloses cause of action, the cause of action means bundle of facts, it can be gathered from the election petition in whole and it cannot be isolated from any of the particulars from particular paragraph and particular portion. On reading of the election petition in entirety, it discloses the cause of action and there is no scandalous and vexatious pleadings and no particulars to delay the fair trial of the election petition.

13. The authorities referred to above by the learned counsel for the applicant in OA.Nos.653 and 654 of 2017 in Sl.Nos.1, 4, 5, 7, 8 and 9 are decided by the Hon'ble Apex Court after trial and the same cannot be relied on at the threshold stage. It is well settled proposition that if the election petition does not disclose material facts and material particulars and the allegations levelled in the election petition are as vague as vagueness and does not disclose any cause of action and it is liable to be rejected and if any portion of the facts are vexatious and scandalous and to delay the proceedings, that portion can be strike out. Whereas, in this case, on seeing the entire election petition it discloses cause of action and there is no reason to strike out any portion and also to reject the election petition. This Court has no quarrel with the proposition laid down by the Hon'ble Apex Court in the other authorities referred to by the counsel for the applicants/5th and 6th respondents and the same are not applicable to the facts and circumstances of the present case on hand.

14. Though, the counsel for the applicant/5th respondent would submit that first respondent has sent emails, CD, photographs and video clippings and they have not produced the same in the election petition within the stipulated time, hence the election petition is liable to be rejected. As already stated that the election petition discloses material facts and material particulars, the only

thing is that as admitted by the learned counsel for the first respondent herein that they have not produced the photographs, CDs etc., before this Court, but they have stated in the election petition that all the material facts have been sent to the 5th respondent herein/Returning Officer then and there. The main allegation is that the 5th respondent herein has not considered the same, at the time of filing election petition, the first respondent herein has not produced any copies of the materials before this Court, on that score alone, this election petition cannot be rejected.

15. After receiving summons, the applicants have not chosen to file any written statements in the Election Petition No.1 of 2017, whereas they have come forward with these applications. The respondent 2 to 5 herein after receiving the summons in the election petition filed applications to strike out their names in the election petition as they were added as official respondents and they were not necessary party in the election petition. This Court also allowed those applications and their names were also struck out from the election petition. In the absence of any denial by the 5th respondent/returning officer regarding all the materials sent by the first respondent/election petitioner during the relevant period. However, in this case, the applicants have not filed any written statement, no doubt opportunity has to be given to the applicants/respondents 5 and 6, for filing written

statement the materials shown in the election petition has to be supplied to them.

16. The judgment of the Hon'ble Apex Court cited by the first respondent in the case of **Mahadeorao Sukaji Shivankar v. Ramaratan Bapu and others** reported in **(2004) 7 SCC 181** held as follows :-

"The expression "material facts" has neither been defined in the Act nor in CPC, material facts are those facts upon which a party relies for his claim or defence. In other words, material facts are facts upon which the plaintiff's cause of action or the defendant's defence depends. What particulars could be said to be material facts would depend upon the facts of each case and no rule of universal application can be laid down. Particulars, on the other hand, are details in support of material facts pleaded by the party. The amplify, refine and embellish the material facts by giving finishing touch to the basic contours of a picture already drawn so as to make it full, more clear and more informative. Particulars ensure conduct of fair trial and would not take the opposite party by surprise.

petitioner has stated the details as to corrupt practices adopted by the returned candidate. Material facts as to the nature of corrupt practice had been set out by the petitioner in the election petition and what was done by him by instituting the application was to furnish particulars in support of the allegations levelled in the election petition. Therefore, it could not be said that the petition was liable to be dismissed on the ground of the absence of setting out material facts in the election petition.

However, since a copy of the election petitioner's application was never supplied to the returned candidate, it would be appropriate to set aside the order passed by the High Court on that ground. It was incumbent on the petitioner to serve a copy of his application to the returned candidate or to his counsel. It was also the duty of the Court to grant time to the returned candidate and the contesting respondents to submit reply, if any, to the said application and to pass an appropriate order in accordance with law. Since the said course was not adopted by the High Court,

the impugned order is set aside.

The matter is remitted to the High Court to decide it in accordance with law after affording opportunity to all the parties."

17. It is no doubt as contended by the learned counsel for the applicant, if the material facts constituting the cause of action in an election petition are missing, they cannot be supplied later on after the expiry of the period of limitation. Under the Representation of the People Act 1951, statement of material facts and particulars of alleged illegalities are to be furnished in an election petition. Omnibus allegations of commission of illegalities and irregularities do not make out a valid cause of action. However, the rejection of a election petition on the ground that it disclosed no cause of action is to be ordered, only on the basis of the allegations made in the election petition. The Court cannot probe into the facts on the basis of controversy raised by the respondents. The well settled position is that while considering the application under Order VII Rule 11 CPC, Court is not required to take into consideration the defence set up by the respondent in his written statement or other documents. The question whether election petition discloses any cause of action and whether it is barred by the law is to be decided by looking at the averments contained in the election petition itself and not the

defence set up in the written statement. While considering the application, the strength or weakness of the case of the election petition is not to be examined. The election petition cannot be rejected on the basis of the allegations made in written statement or in an application for rejection of the election petition.

18. At this juncture, it is pertinent to refer the latest decision of the Hon'ble Apex Court in the case of **Ajay Arjun Singh v. Sharadendu Tiwari and others** reported in **2016-5-LW 351 : 2016 (5) SCC 219**, the relevant portion of the judgment is extracted hereunder :-

"5. Before we examine the various questions that arise in this appeal, we think it profitable to examine the scheme of Order 6 Rule 16.

"16. Striking out pleadings.—The Court may at any stage of the proceedings order to be struck out or amended any matter in any pleading—

(a) which may be unnecessary, scandalous, frivolous or vexatious, or

(b) which may tend to prejudice, embarrass or delay the fair trial of the suit, or

(c) which is otherwise an abuse of the process of the Court."

It authorises the court to order that any matter in any pleading before it be struck out on the grounds specified under clauses

(a), (b) and (c). Each one of them is a distinct ground. For example, clause (a) authorises the court to strike out the pleadings which may be (i) unnecessary, (ii) scandalous, (iii) frivolous, (iv) vexatious. If a pleading or part of it is to be struck out on the ground that it is unnecessary, the test to be applied is whether the allegation contained in that pleading is relevant and essential to grant the relief sought. Allegations which are unconnected with the relief sought in the proceeding fall under this category. Similarly, if a pleading is to be struck out on the ground that it is scandalous, the court must first record its satisfaction that the pleading is scandalous in the legal sense and then enquire whether such scandalous allegation is called for or necessary having regard to the nature of the relief sought in the proceeding. The authority of the court under clause (c) is much wider. Obviously, such authority must be exercised with circumspection and on the basis of some rational principles.

6. The very purpose of the Rule is to ensure that parties to a legal proceeding are entitled ex debito justitiae to have the case against them presented in an intelligible form so that they may not be embarrassed in meeting the case [*Golding v. Wharton Saltworks Co.*, (1876) LR 1 QBD 374]

7. In the context of the application of Order 6 Rule 16 CPC to the election petition, this Court in *Bhikaji Keshao Joshi v. Brijlal*

Nandlal Biyani [Bhikaji Keshao Joshi v. Brijlal Nandlal Biyani, AIR 1955 SC 610] held that a court examining an election petition may order striking out of charges which are vague. [it should have ordered a striking out of such of the charges which remained vague and called upon the petitioners to substantiate the allegations in respect of those which were reasonably specific."]

8. In *Ponnala Lakshmaiah v. Kommuri Pratap Reddy [Ponnala Lakshmaiah v. Kommuri Pratap Reddy, (2012) 7 SCC 788]*, this Court considered the scope of an application under Order 7 Rule 11 CPC. Such an application was filed by the returned candidate praying that the election petition be dismissed for non-disclosure of any cause of action. This Court opined that for the purpose of determining such an application, the averments in the election petition must be taken to be factually correct and thereafter examine whether such averments furnish the cause of action for granting the relief to the petitioner. Such a conclusion was recorded on the basis of the law laid down in an earlier judgment of this Court. [*Liverpool & London S.P. and I Assn. Ltd. v. M.V. Sea Success I, (2004) 9 SCC 512*]. To the same effect is the decision of this Court in *Liverpool & London S.P. and I Assn. Ltd. v. M.V. Sea Success I, (2004) 9 SCC 512,*

Para 8. To the same effect is the decision of this Court in *Liverpool & London S.P. And I Assn. Ltd., V. M.V.Sea Success I* where this Court held that the disclosure of a cause of action in the plaint is a

question of fact and the answer to that question must be found only from the reading of the plaint itself. The court trying a suit or an election petition, as the position is in the present case, shall while examining whether the plaint or the petition discloses a cause of action, to assume that the averments made in the plaint or the petition are factually correct. It is only if despite the averments being taken as factually correct, the court finds no cause of action emerging from the averments that it may be justified in rejecting the plaint.

Para 10. Applying the above principles to the case at hand, we do not see any error in the order passed by the High Court (*M.V. Sea Success I v. Liverpool and London Steamship Protection and Indemnity Assn. Ltd.*, 2001 SCC OnLine Bom 1019 : AIR 2002 Bom 151) refusing to dismiss the petition in limine on the ground that the same discloses no cause of action. The averments made in the election petition if taken to be factually correct, as they ought to for purposes of determining whether a case for exercise of powers under Order 7 Rule 11 has been made out, do in our opinion, disclose a cause of action. The High Court

did not, therefore, commit any error much less an error resulting in miscarriage of justice, to warrant interference by this Court in exercise of its extraordinary powers under Article 136 of the Constitution.”]

We are of the opinion that the same principles of law are applicable even while adjudicating the application under Order 6 Rule 16.”

19. In this case, as already held that the election petition discloses material facts and particulars and copy of the CD, photographs etc sent to the 5th respondent/returning officer has not been given to the applicants herein/respondents 5 & 6. The 1st respondent/election petitioner has not stated anything new in the election petition, these documents have already been sent to the 5th respondent/returning officer during election. The Returned candidate/ 5th respondent has not denied and the same can be decided at the time of trial. Therefore, it is necessity on the part of the first respondent/election petitioner to produce the copies of emails, photographs, CD and video footages etc., before this Court and serve the same to the applicants herein/contesting respondents 5 and 6.

20. With the above observation, all the three applications are dismissed. This Court directs the first respondent/election petitioner to file all the relevant

documents before this Court within 15days from the date of this order viz.,emails, photographs and video footages etc.,if any filed before the 5th respondent/returning officer during the Election and also to serve those materials to applicants herein/contesting respondents 5 and 6.

WITNESS, THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID THIS THE 23rd DAY OF FEBRUARY 2018.

SD/-

ASSISTANT REGISTRAR
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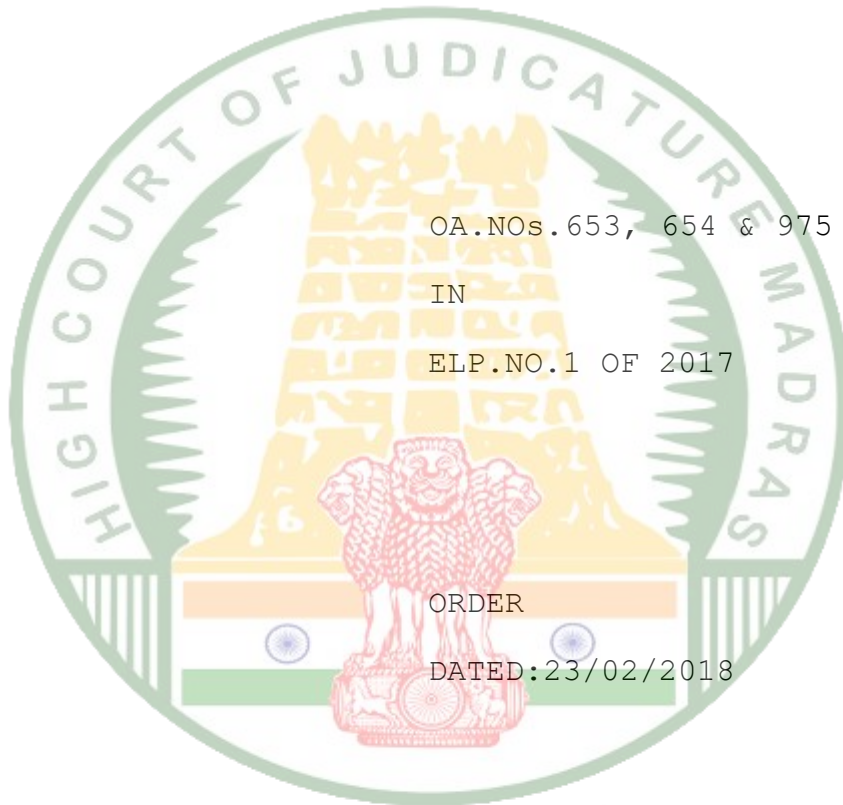
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OA.NOS.653, 654 & 975 OF 2017

IN

ELP.NO.1 OF 2017

ORDER

DATED:23/02/2018

सत्यमेव जयते

THE HON'BLE MR. JUSTICE

P.VELMURUGAN

WEB COPY

FOR APPROVAL: 28/02/2018

APPROVED ON : 28/02/2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 23RD DAY OF FEBRUARY 2018

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.A NOS.653, 654 & 975 OF 2017

in

Election Petition No. 1 of 2017

Elp.No.1 of 2017

A.P.Geetha,
D/o.Perumal,
Door No.New No.89, Old No.100,
Vanniar Street (Otha Vadai Street)
Kodambakkam, Vadapalani,
Chennai 600 024. Petitioner

-VS-

- 1.The Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi.
- 2.The Chief Electoral officer,
Public (Elections) Department,
Government of Tamil nadu,
Secretariat, Fort St.George,
Chennai 600 009.
- 3.The District Electoral Officer cum
District Collector,
Karur District,
Karur.
- 4.The Returning Officer,
134, Aravakurichi Assembly Constituency,
Tahsildar office,
Aravakurichi Karur District.
- 5.Senthilbalaji V.
No.123, Rameswarpatti,
Manmangalam (PO),
Manmangalam Tk,
Karur District.

Ward No.19, Karur Ttown,
Karur District.

7.Prabhu S.

No.1, Kamaraj Nagar,
Aravakurichi,
Aravakurichi Taluk,
Karur District.

8.Muthu M.

No.25, Nh7 East Street,
Aravakurichi,
Aravakurichi Taluk,
Karur District.

9.Aravinth G.

91, Thalavapalayam West,
Punjai Thottaikurichi,
Manmangalam Taluk.
Karur District.

10.Chandran S.

New No.115, Old No.67,
Kamaraj Nagar, Pothanur,
Paramathi Velur Taluk,
Namakkal District.

11.Tamilcheran Sa.Su.

No.8/86, Pasupathipalayam,
Punnam (PO),
Aravakurichi,
Karur District.

12.Thekkamalai P.

1/158, Veeriyapatti,
Kaniyalampatti (Post),
Kadavur Taluk,
Karur District.

13.Baskaran M.

No.3/7B, Puthupalayam,
Nerur (Post)
Manmangalam Taluk,
Karur District.

14.Rajesh Kumar P.

4/432, Arangapalayam (PO)
Chinnadharapuram Via,
Aravakurichi Taluk,
Karur District.

15.Ashokkumar N.

Old No.64, New No.73,

Thirukattuthurai,
Nanjai Pugalur Post,
Manmangalam Taluk,
Karur District.

16.Kannan R.
No.32, Parasakthi Illam,
Dharapuram Road,
Aravakurichi,
Karur District.

17.Karthikeyan B.K.
No.39-A, Kamarah Road,
Karur, Karur District.

18.Krishnamoorthy S.
26/50, Narasimmapuram,
Middle Street,
Karur Town,
Karur District.

19.Sampath S.
No.12-2/12, Nanchappan Padithurai Street,
Karur, Karur District.

20.Sivakumar S.
No.1/292, Dheera Chinnamalai Nagar,
Semmadai, Rameswarapatty,
Manmangalam Taluk,
Karur District.

21.Sivashanmugam M.
No.22, Tirupathi Layout,
Ward No.20, Karur,
Karur District.

22.Sukumaran N.
817, Erode Road,
Vellakovil Town,
Tirupur District.

23.Sundareswaran M
Door No.31C, Old Bazar Street,
Karur Taluk,
Karur District.

24.Senthil Kumar N.
No.4, Sree Illam, L.R.G.Colony,
Ward No.5, Andankoil East,
Karur District.

25.Selvaraj S.
Door No.8/71, Vedichipalayam,

Nerur South, Manmangalam Taluk,
Karur District.

26.Thangapandian R.
No.4/70, Rajaji Road,
palani, Dindugal District.

27.Dasaprakash K.
Door No.2/1, Mahalakshmi Garden,
Gandhigramam South,
Pasupathipalayam post,
Karur District.

28.Palanisamy K.
2/171, Merkur,
Manmangalam Taluk,
Karur District.

29.Palanisamy M.
Door No.6/69A, Sevanthipalayam,
Nanniyur Post,
Manmangalam Taluk,
Karur District.

30.Babu G.
No.44 D, Railway Colony,
Karur, Karur District.

31.Balasubramani K.
32 B, Othaiyur Road,
T.Selandipalayam,
Karur, karur District.

32.Baskar P.
No.20/18, Mettupalayam,
Kadambankurichi Village,
East Tavuttupalayam Post,
Manmangalam Taluk,
Karur District.

33.Pitchaimuthu T.
No.3A, Muninathapuram,
Vettamangalam East,
Samangi Post,
Manmangalam Taluk,
Karur District.

34.Magudeeswaran K
Door No.41-H/5,
Anbu Nagar, 1st Street,
Rayanur, Karur, Karur District.

- 35.Mani C.
No.D24, Salaithottam,
Pugalur Sugar Factory post,
Manmangalam Taluk, Karur District.
- 36.Manikandan M.
No.45, Muthaladampatti,
Thanthonimalai,
Karur, Karur District.
- 37.Manivannan S.
No.41, Anna Nagar 2nd Street,
Rayanoor,
Thoranakkaipatti Post,
Karur Karur District.
- 38.Muthukumar G.
No.10/2, Bharathidasan Nagar,
Thanthoni,
Karur, Karur District.
- 39.Ravi S.P.
20/11-B, Cinnandipatti,
Kalayapatty Post,
Kadavur Taluk,
Karur District.
- 40.Loganathan K.
New No.3/337, Sellandipalayam,
Somur Post,
Somur Village,
Karur District.
- 41.Vinothkumar N.
No.1, New Venkateshwara Nagar,
Thanthonimalai, Karur,
Karur District.
- 42.Jegan T.
No.6/C/1, Vivekanandha Nagar,
11th Cross, Sengunthapuram,
Karur, Karur District.
- ... Respondents

*Respondents 1 to 4 struck off from
the array of Respondents in ELP No.1
of 2017 as per order of this court
dated 09/02/2018 made in OA No.649
to 652 of 2017.*

No.123, Rameswarpatti,
Manmangalam (PO),
Manmangalam Tk,
Karur District.

... Applicants/ 5th Respondent

-vs-

1.A.P.Geetha,
D/o.Perumal,
Door No.New No.89, Old No.100,
Vanniar Street (OthaVadai Street)
Kodambakkam, Vadapalani,
Chennai 600 024.1st Respondent/Election Petitioner

2.The Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi.

3.The Chief Electoral officer,
Public (Elections) Department,
Government of Tamil nadu,
Secretariat, Fort St.George,
Chennai 600 009.

4.The District Electoral Officer cum
District Collector,
Karur District,
Karur.

5.The Returning Officer,
134, Aravakurichi Assembly Constituency,
Tahsildar office,
Aravakurichi Karur District.

6.Pallani Shamy K.C.,
No.5/2, Anna Salai,
Ward No.19, Karur Ttown,
Karur District.

7.Prabhu S.
No.1, Kamaraj Nagar,
Aravakurichi,
Aravakurichi Taluk,
Karur District.

8.Muthu M.
No.25, Nh7 East Street,
Aravakurichi,
Aravakurichi Taluk,
Karur District.

9.Aravindh G.
91, Thalavapalayam West,

Punjai Thottaikurichi,
Manmangalam Taluk.
Karur District.

10.Chandran S.
New No.115, Old No.67,
Kamaraj Nagar, Pothanur,
Paramathi Velur Taluk,
Namakkal District.

11.Tamilcheran Sa.Su.
No.8/86, Pasupathipalayam,
Punnam (PO),
Aravakurichi,
Karur District.

12.Thekkamalai P.
1/158, Veeriyapatti,
Kaniyalampatti (Post),
Kadavur Taluk,
Karur District.

13.Baskaran M.
No.3/7B, Puthupalayam,
Nerur (Post)
Manmangalam Taluk,
Karur District.

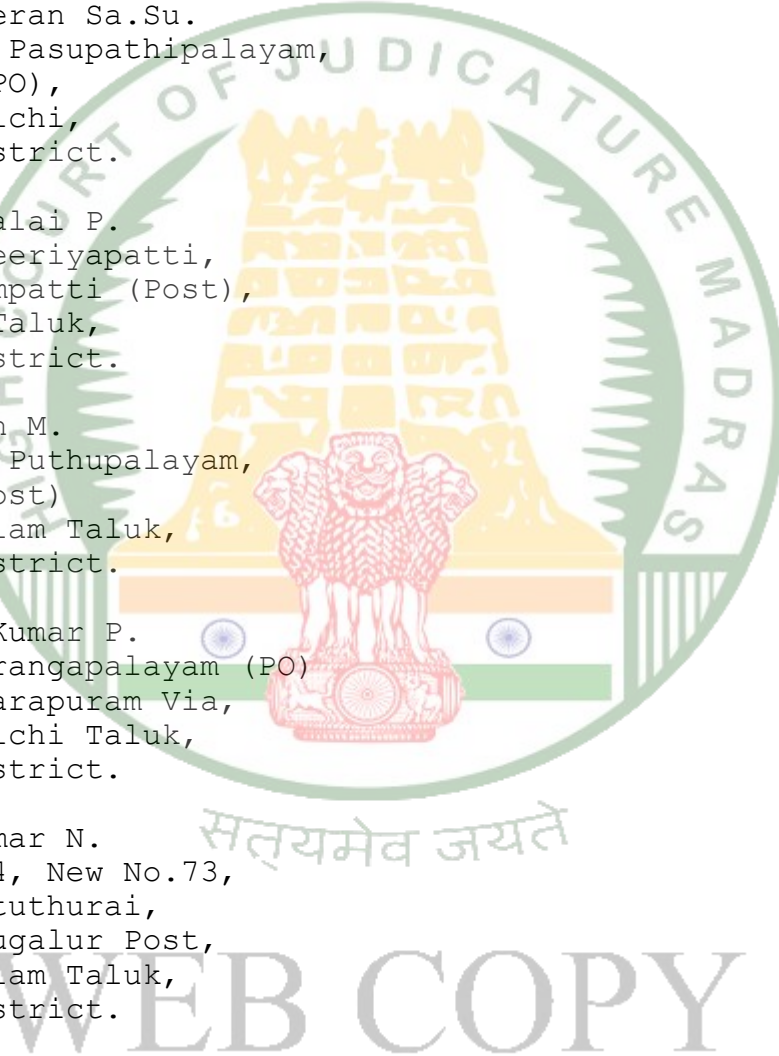
14.Rajesh Kumar P.
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Chinnadharapuram Via,
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15.Ashokkumar N.
Old No.64, New No.73,
Thirukattuthurai,
Nanjai Pugalur Post,
Manmangalam Taluk,
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16.Kannan R.
No.32, Parasakthi Illam,
Dharapuram Road,
Aravakurichi,
Karur District.

17.Karthikeyan B.K.
No.39-A, Kamarah Road,
Karur, Karur District.

18.Krishnamoorthy S.
26/50, Narasimmapuram,



Middle Street,
Karur Town,
Karur District.

19.Sampath S.
No.12-2/12, Nanchappan Padithurai Street,
Karur, Karur District.

20.Sivakumar S.
No.1/292, Dheera Chinnamalai Nagar,
Semmadai, Rameswarapatty,
Manmangalam Taluk,
Karur District.

21.Sivashanmugam M.
No.22, Tirupathi Layout,
Ward No.20, Karur,
Karur District.

22.Sukumaran N.
817, Erode Road,
Vellakovil Town,
Tirupur District.

23.Sundareswaran M
Door No.31C, Old Bazar Street,
Karur Taluk,
Karur District.

24.Senthil Kumar N.
No.4, Sree Illam, L.R.G.Colony,
Ward No.5, Andankoil East,
Karur District.

25.Selvaraj S.
Door No.8/71, Vedichipalayam,
Nerur South, Manmangalam Taluk,
Karur District.

26.Thangapandian R.
No.4/70, Rajaji Road,
palani, Dindugal District.

27.Dasaprakash K.
Door No.2/1, Mahalakshmi Garden,
Gandhigramam South,
Pasupathipalayam post,
Karur District.

28.Palanisamy K.
2/171, Merkur,
Manmangalam Taluk,
Karur District.

29.Palanisamy M.
Door No.6/69A, Sevanthipalayam,
Nanniyur Post,
Manmangalam Taluk,
Karur District.

30.Babu G.
No.44 D, Railway Colony,
Karur, Karur District.

31.Balasubramani K.
32 B, Othaiyur Road,
T.Selandipalayam,
Karur, Karur District.

32.Baskar P.
No.20/18, mettupalayam,
Kadambankurichi Village,
East Tavuttupalayam Post,
Manmangalam Taluk,
Karur District.

33.Pitchaimuthu T.
No.3A, Muninathapuram,
Vettamangalam East,
Samangi Post,
Manmangalam Taluk,
Karur District.

34.Magudeeswaran K
Door No.41-H/5,
Anbu Nagar, 1st Street,
Rayanur, Karur, Karur District.

35.Mani C.
No.D24, Salaithottam,
Pugalur Sugar Factory post,
Manmangalam Taluk,
Karur District.

36.Manikandan M.
No.45, Muthaladampatti,
Thanthonimalai,
Karur, Karur District.

37.Manivannan S.
No.41, Anna Nagar 2nd Street,
Rayanoor,
Thoranakkaipatti Post,
Karur Karur District.

38.Muthukumar G.

No.10/2, Bharathidasan Nagar,
Thanthoni,
Karur, Karur District.

39.Ravi S.P.
20/11-B, Cinnandipatti,
Kalayapatty Post,
Kadavur Taluk,
Karur District.

40.Loganathan K.
New No.3/337, Sellandipalayam,
Somur Post,
Somur Village,
Karur District.

41.Vinothkumar N.
No.1, New Venkateshwara Nagar,
Thanthonimalai, Karur,
Karur District.

42.Jegan T.
No.6/C/1, Vivekanandha Nagar,
11th Cross, Sengunthapuram,
Karur, Karur District. ... Respondents/Respondents

This Original Application No.653 of 2017 praying that
this Hon'ble Court be pleased to strike out the pleadings
in paragraphs 3 to 9 of election petition.

This Original Application No.654 of 2017 praying that
this Hon'ble Court be pleased to reject the Election
Petition No.1 of 2017 as not maintainable.

OA.No.975 of 2017

Pallani Shamy K.C.,
No.5/2, Anna Salai,
Ward No.19, Karur Town,
Karur District.

... Applicant/ 6th Respondent

-vs-

- 1.A.P.Geetha,
D/o.Perumal,
Door No.New No.89, Old No.100,
Vanniar Street (Otha Vadai Street)
Kodambakkam, Vadapalani,
Chennai 600 024. ...1st Respondent/Election Petitioner
- 2.The Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi.
- 3.The Chief Electoral officer,
Public (Elections) Department,
Government of Tamil nadu,
Secretariat, Fort St.George,
Chennai 600 009.
- 4.The District Electoral Officer cum
District Collector,
Karur District,
Karur.
- 5.The Returning Officer,
134, Aravakurichi Assembly Constituency,
Tahsildar office,
Aravakurichi Karur District.
- 6.Senthilbalaji V.
No.123, Rameswarpatti,
Manmangalam (PO),
Manmangalam Tk,
Karur District.
- 7.Prabhu S.
No.1, Kamaraj Nagar,
Aravakurichi,
Aravakurichi Taluk,
Karur District.
- 8.Muthu M.
No.25, Nh7 East Street,
Aravakurichi,
Aravakurichi Taluk,
Karur District.
- 9.Aravinth G.
91, Thalavapalayam West,
Punjai Thottaikurichi,
Manmangalam Taluk.

Karur District.

10. Chandran S.
New No.115, Old No.67,
Kamaraj Nagar, Pothanur,
Paramathi Velur Taluk,
Namakkal District.
11. Tamilcheran Sa.Su.
No.8/86, Pasupathipalayam,
Punnam (PO),
Aravakurichi,
Karur District.
12. Thekkamalai P.
1/158, Veeriyapatti,
Kaniyalampatti (Post),
Kadavur Taluk,
Karur District.
13. Baskaran M.
No.3/7B, Puthupalayam,
Nerur (Post)
Manmangalam Taluk,
Karur District.
14. Rajesh Kumar P.
4/432, Arangapalayam (PO)
Chinnadharapuram Via,
Aravakurichi Taluk,
Karur District.
15. Ashokkumar N.
Old No.64, New No.73,
Thirukattuthurai,
Nanjai Pugalur Post,
Manmangalam Taluk,
Karur District.
16. Kannan R.
No.32, Parasakthi Illam,
Dharapuram Road,
Aravakurichi,
Karur District.
17. Karthikeyan B.K.
No.39-A, Kamarah Road,
Karur, Karur District.
18. Krishnamoorthy S.
26/50, Narasimmapuram,
Middle Street,
Karur Town,

Karur District.

- 19.Sampath S.
No.12-2/12, Nanchappan Padithurai Street,
Karur, Karur District.
- 20.Sivakumar S.
No.1/292, Dheera Chinnamalai Nagar,
Semmadai, Rameswarapatty,
Manmangalam Taluk,
Karur District.
- 21.Sivashanmugam M.
No.22, Tirupathi Layout,
Ward No.20, Karur,
Karur District.
- 22.Sukumaran N.
817, Erode Road,
Vellakovil Town,
Tirupur District.
- 23.Sundareswaran M
Door No.31C, Old Bazar Street,
Karur Taluk,
Karur District.
- 24.Senthil Kumar N.
No.4, Sree Illam, L.R.G.Colony,
Ward No.5, Andankoil East,
Karur District.
- 25.Selvaraj S.
Door No.8/71, Vedichipalayam,
Nerur South, Manmangalam Taluk,
Karur District.
- 26.Thangapandian R.
No.4/70, Rajaji Road,
palani, Dindugal District.
- 27.Dasaprakash K.
Door No.2/1, Mahalakshmi Garden,
Gandhigramam South,
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Karur District.
- 28.Palanisamy K.
2/171, Merkur,
Manmangalam Taluk,
Karur District.
- 29.Palanisamy M.

Door No.6/69A, Sevanthipalayam,
Nanniyur Post,
Manmangalam Taluk,
Karur District.

30.Babu G.

No.44 D, Railway Colony,
Karur, Karur District.

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32 B, Othaiyur Road,
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32.Baskar P.

No.20/18, mettupalayam,
Kadambankurichi Village,
East Tavuttupalayam Post,
Manmangalam Taluk,
Karur District.

33.Pitchaimuthu T.

No.3A, Muninathapuram,
Vettamangalam East,
Samangi Post,
Manmangalam Taluk,
Karur District.

34.Magudeeswaran K

Door No.41-H/5,
Anbu Nagar, 1st Street,
Rayanur, Karur, Karur District.

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No.D24, Salaithottam,
Pugalur Sugar Factory post,
Manmangalam Taluk,
Karur District.

36.Manikandan M.

No.45, Muthaladampatti,
Thanthonimalai,
Karur, Karur District.

37.Manivannan S.

No.41, Anna Nagar 2nd Street,
Rayanoor,
Thoranakkaipatti Post,
Karur Karur District.

38.Muthukumar G.

No.10/2, Bharathidasan Nagar,
Thanthoni,

Karur, Karur District.

39.Ravi S.P.
20/11-B, Cinnandipatti,
Kalayapatty Post,
Kadavur Taluk,
Karur District.

40.Loganathan K.
New No.3/337, Sellandipalayam,
Somur Post,
Somur Village,
Karur District.

41.Vinothkumar N.
No.1, New Venkateshwara Nagar,
Thanthonimalai, Karur,
Karur District.

42.Jegan T.
No.6/C/1, Vivekanandha Nagar,
11th Cross, Sengunthapuram,
Karur, Karur District.Respondents/Respondents

This Original Application No.975 of 2017 praying that this Hon'ble Court be pleased to strike out the pleadings in paragraphs 9 and 9(a) in the Election petition No.1 of 2017.

The above Original Applications having been heard on 16.02.2018 before this Court in the presence of Mr.T.V.Ramanujam, Senior Counsel for M/s.S.Senthil, N.C. Ashok kumar advocates for the applicant/5th respondent in Appln.No.653 & 654 of 2017, and for the 5th respondent in OA No.975 of 2017, Mr.A.Gopinath, advocate for the applicant/6th respondent in OA.No.975 of 2017 and for the 6th respondent in OA Nos.653 and 654 of 2017 and Mr.T.Sivagnanasambandam, advocate for the 1st Respondent/Election Petitioner, Mr.Niranjan Rajagopalan,

advocate for M/s.G.R.Associates, advocates for the respondents 2 to 5/respondents 1 to 4 in all Applications herein; and upon reading the Judges summons and affidavit of V.Senthil balaji filed in Appln.Nos.653 & 654/2017, K.V.Palanisamy filed in Appln.No.975 of 2017 and common counter affidavit, counter affidavit of A.P.Geetha filed in and Appln.653 & 654 of 2017, Appln.975 of 2017 and this court having stood over for consideration till this date and coming on this day before this court for orders in the presence of the abovesaid advocates and this having observed that the election petition discloses material facts and particulars and copy of the CD, photographs etc sent to the 5th respondent/returning officer has not been given to the applicants herein/respondents 5& 6. The 1st respondent/election petitioner has not stated anything new in the election petition, these documents have already been sent to the 5th respondent/returning officer during election. The Returned candidate/5th respondent has not denied and the same can be decided at the time of trial,

IT IS ORDERED AS FOLLOWS:

1. That the Original Application Nos. 653, 654 and 975 of 2017 be and are hereby dismissed.

2. That the first respondent/election petitioner be and is hereby directed to file all the relevant documents before this Court within 15 days from the date of this

order viz., emails, photographs and video footages etc., if any filed before the 5th respondent/returning officer during the Election and also to serve those materials to applicants herein/contesting respondents 5 and 6.

WITNESS, THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID THIS THE 23rd DAY OF FEBRUARY 2018.

sd/-
ASSISTANT REGISTRAR
Original Side - II

//CERTIFIED TO BE TRUE COPY//

DATED THIS THE DAY OF 2018

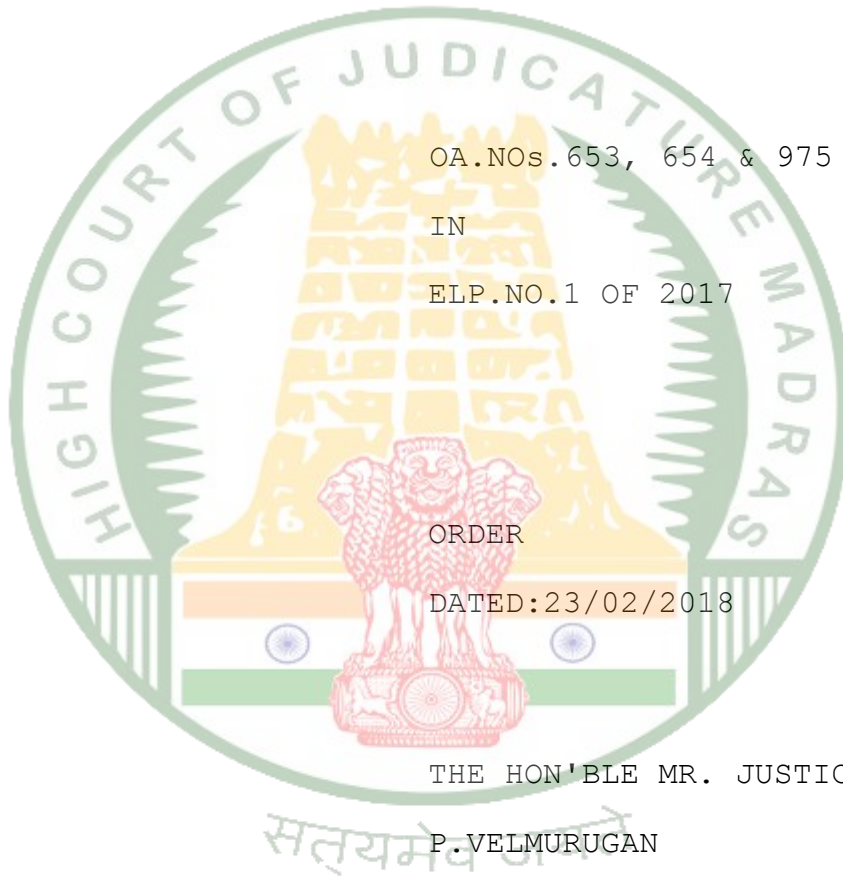
COURT OFFICER (O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

सत्यमेव जयते

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cns - 27.02.2018



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FOR APPROVAL: 28/02/2018

APPROVED ON : 28/02/2018