



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM:

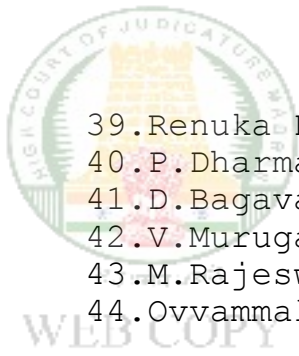
THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. (MD) No.1198 of 2018

and

W.M.P. (MD) .Nos.1266 and 1267 of 2018

- 1.P.Ramasubbu
- 2.R.Senbagavalli
- 3.T.Shanmugasundaram
- 4.S.Kameswari
- 5.T.Rajendran
- 6.Selvi
- 7.V.Nataraj
- 8.Ramalakshmi
- 9.Thirumalappan
- 10.V.Senbagaraj
- 11.Murugajothi
- 12.P.Arumugam
- 13.Gnanasundari
- 14.P.Selvaraj
- 15.Sasikala
- 16.K.Arumugachandar
- 17.C.Thiayagarajan
- 18.Jeevarani
- 19.Kalaichelvi
- 20.S.Ganapathy Sundaram
- 21.Janaki
- 22.V.Perumal
- 23.Deivanai
- 24.C.Sudarmoorthy
- 25.S.Amudha
- 26.K.Rukmaniammal
- 27.R.Rajendran
- 28.T.Gurusamy
- 29.P.Paulraj
- 30.P.Murugan
- 31.M.Perumalakkal
- 32.S.Rukmani
- 33.Sankara Muniyasamy
- 34.Somasundaram
- 35.Jayakodi
- 36.S.Sathishkumar
- 37.P.Rajagopal
- 38.Meenatchi



39.Renuka Devi
40.P.Dharmaraj
41.D.Bagavathi
42.V.Muruganandam
43.M.Rajeswari
44.Ovvammal

... Petitioner

-Vs-

The Tahsildar cum Taluk Election Officer,
Vilathikulam Taluk Office,
Vilathikulam, Thoothukudi.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the respondent relating to the publication of the Electoral Roll 2018 of M.Kumarasakkanapuram Village in Vilathikulam Constituency and quash the same in so far as it deletes the names of the petitioners and hold the same to be illegal and unlawful and opposed to the procedure laid down by the Registration of Electors Rules 1960.

For Petitioners : Mr.V.Vijayshankar

For Respondent : Aayiram K.Selvakumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the publication of electoral role of M.Kumarasakkanapuram Village in Vilathikulam constituency deleting the names of the petitioners.

2.According to the petitioners, they are permanent residents of the above said village, and their names are registered in the electoral role in the above said village. They are now residing temporarily in some other places due to their professional avocation and they did not register their names in electoral list in any other constituency and they are continued as voters in the said village, and their names are also found in the electoral list prepared in the year 2017. Now the respondent has removed the names of the petitioners from the electoral role without issuing any notice to the petitioners. Hence, the present writ petition has been filed.

3.The respondent has filed counter affidavit stating that now the petitioners are residing in various places of Tamilnadu and also in the other states. Since the petitioners have shifted their residence, it is not possible for the respondent to serve notice to them and the respondent has pasted the notice in the address mentioned in the respective voters list. Since the petitioners are



not available in the above said village, the names of the petitioners were deleted under the category of shifted voters, and the order also affixed in the respective address mentioned in the voters list.

4. The learned counsel appearing for the petitioner has submitted that all the petitioners are permanent residents of the above said village. They are having residential houses and also having agricultural land in the above said village, and they are continue to vote in the village till 2017. All the petitioners are temporarily residing at various places due to their employment. In the above circumstances, without issuing any notice, the respondent has deleted the names of the petitioners as shifted voters. As per Rule 21(A) of the Registration of Electors Rules, 1960, before deleting the names of the voters, the respondent has to give reasonable opportunity to the voters, but, the respondent without doing so, straight away deleted the names of the petitioners.

5. The learned Additional Government pleader appearing on behalf of the respondent submitted since the petitioners were not available in the village, the respondent has pasted the notice on the respective address mentioned in the voters list. Since the petitioners did not appear for the enquiry, the order has been passed deleting the names of the petitioners and the said order also affixed on their respective address.

6. I have heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondent and considered the rival submissions made on either side.

7. As rightly submitted by the learned counsel appearing for the petitioners as per Rule 21(A) of the Registration of Electors Rules, 1960, if the respondent wants to delete the names of the petitioners on the ground that the petitioners have shifted to another place, then he has to conduct an enquiry by giving reasonable opportunity of hearing to the voters. Admittedly, without issuing any notice, the impugned order passed by the respondent, is in violation of Rule 21(A) of the Act. Even though it is contented by the respondent that notices were affixed in their houses, there is no proof for the same.

8. In the above circumstances, the order passed by the respondent deleting the names of the petitioners from the electoral list is set aside. The respondent is directed conduct enquiry and issue notice to all the petitioners through registered post, fixing the date of enquiry, and on receipt of such notice, the petitioners are directed to submit their objections before the respondent within a period of four weeks from the date of receipt of such notice. After receipt of their objections, the respondent is directed to pass suitable orders on merits and in accordance with law, after affording a personal hearing to all the petitioners.



9. Accordingly, this writ petition is disposed of. No costs. Consequently, W.M.P. (MD) Nos. 1266 and 1267 of 2018 are closed.

WEB COPY

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

The Tahsildar cum Taluk Election Officer,
Vilathikulam Taluk Office,
Vilathikulam,
Thoothukudi.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 49016
+ 2 CC TO Mr. V. VIJAYASHANKAR, ADVOCATE IN SR No. 48451

VSG/TA
TE/SKN-RSK/SAR-1 : 26/03/2018 : 4P/5C

W.P. (MD) No. 1198 of 2018 and
W.M.P. (MD) Nos. 1266 and 1267 of 2018
13.02.2018