

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.08.2019
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
W.P.No.23988 of 2006
and M.P.No.2 of 2006

Gowrappan

.. Petitioner

Vs

The Secretary,
Tamil Nadu State Election Commission,
Koddampakkam,
Madras - 600 054.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorari, to call for the records on the file of the respondent in his Proceedings No.S.O.No.81/2003/TNSEC/EE-1 and published in Tamil Nadu Government Gazette Extraordinary dated 11.02.2004 and quash the same as illegal, incompetent.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.Nedunchezian
Standing Counsel

O R D E R

Head Mr.V.Raghavachari, learned counsel for the petitioner, Mr.Nedunchezian, learned Standing counsel for the respondent and perused the materials available on record.

2.This writ petition has been filed for issuance of a Writ of Certiorari, to call for the records of the respondent vide Proceedings No.S.O.No.81/2003/TNSEC/EE-1 and published in the Tamil Nadu Government Gazette Extraordinary, dated 11.02.2004 and quash the same as illegal.

3. According to the petitioner, he contested the election for the post of President of Kattiganapalli Village Panchayat. The petitioner has unsuccessfully challenged the candidature of Mr.Perumal in E.O.P.No.98/2001 before the Principal District Judge, Dharmapuri-cum-Election Tribunal.

4.The learned counsel for the petitioner would submit that the petitioner was disqualified on the sole ground for non submission of the expenses incurred during the election held in the year 2001, but, the fact remains that he had submitted the

accounts to the competent authority and the said conclusion has been reached without notice to the petitioner.

5. The learned Standing Counsel appearing for the respondent submitted that though the petitioner has contended that the impugned order has been issued without providing any opportunity to him, but, the disqualification is only for a period of three years and that the said period expired in the year 2007 itself.

6. On a perusal of the impugned order, it is seen that under Section 37(4) of Tamil Nadu Panchayat Act, 1994, the petitioner was disqualified for a period of three years. Therefore, this Court is of the considered opinion that the prayer sought for in this writ petition has become infructuous. However, the order would not stand in the way for the petitioner to contest in the next election, if he is otherwise qualified.

7. Accordingly, the writ petition is dismissed as having become infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ms

To

The Secretary,
Tamil Nadu State Election Commission,
Koddampakkam,
Madras - 600 054.

+lcc to Government Pleader sr.73453
+lcc to Mr.Nedunchezian, Advocate sr.72959

W.P.No.23988 of 2006
and
M.P.No.2 of 2006

kk(co)
nr 17/10/2019