

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.11.2019

Coram:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

C.R.P.(NPD)No.1572 of 2014

G.Selvaraj

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Petitioner /
Petitioner

versus

1.The State Election Commissioner,
Tamilnadu State Election Commission,
Office at Vadapalani.

2.The District Collector,
Salem.

3.The Revenue Divisional Officer,
Mettur.

4.The Commissioner,
Kolathur Panchayat,
Kolathur.

5.A.Anbalazhan

6.M.Arumugam

7.K.Kumar

8.P.Thangamuthu

9.R.Madhaiyan

10.The Assistant Director of Agriculture

[Seed Clarification / Salem /
Returning Officer],

For the local body election,
Kolathur,

having office at Salem - 1.

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Respondents /
Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 20.11.2013 made in E.O.P.No.292 of 2011 on the file of the learned I Additional District Judge, Salem.

For Petitioner : Mr.D.Baskar
For Respondent Nos.1, 2 : No Appearance
3, 5, 7, 8 & 10
For Respondent No.6 : Mr.J.Ramakrishnan
For Respondent Nos.4 & 9 : Not ready in notice

ORDER

This Civil Revision Petition has been filed against the order dated 20.11.2013 made in E.O.P.No.292 of 2011 on the file of the learned I Additional District Judge, Salem.

2. The petitioner in E.O.P.No.292 of 2011 on the file of the learned I Additional District Judge, Salem, is the petitioner herein.

3. Before the learned I Additional District Judge, Salem, the petitioner has filed a petition under Section 258 of the Tamil Nadu Panchayats Act, 1994, seeking the relief of direction, directing the respondents 1 and 4 to recount the total polled votes on 19.10.2011 for the election conducted to the 12th ward member of the Kolathur Panchayat Union. Further, he prayed the relief of declaration, declaring the election of 6th respondent as 12th ward

member of the Kolathur Panchayat Union, as declared by the respondents 1 and 4 on 21.10.2011 for the local body election of the year 2011 to 2016, as null and void.

4. After affording an opportunity to the respondents herein, the learned I Additional District Judge, Salem, by an order dated 20.11.2013, dismissed the petition filed by the petitioner.

5. Aggrieved over the said order, the petitioner is before this Court with the present Civil Revision Petition.

6. Today when the Civil Revision Petition is taken up for hearing, the learned counsel appearing for the petitioner is present and made a submission that, the learned I Additional District Judge, Salem, without appreciating the evidence given by P.W.1 to P.W.3 erroneously came to the conclusion that there is no corrupt practice committed by the 6th respondent and accordingly, dismissed the petition. The said findings arrived at by the Court below is having material irregularity.

7. On the other hand, the learned counsel appearing for the 6th respondent [contesting respondent] would submit that, as of now the prayer sought for by the petitioner becomes infructuous and there is no need to proceed further with this Civil Revision Petition.

8. Upon considering the arguments advanced by either side, it is true since the petition was filed in respect to Panchayat Election related to the period of 2011 to 2016, hence, the prayer sought for by the petitioner becomes infructuous. However, before passing an order in this Civil Revision Petition, it is necessary to see whether any allegation is levelled against the 6th respondent.

9. It is seen in the impugned order passed by the Court below, the learned I Additional District Judge, Salem, had categorically mentioned that, on going through the entire evidence let in by P.W.1 to P.W.3, they have not levelled any allegation against the 6th respondent in respect to the corrupt practice committed during the time of election. In this regard, the learned counsel appearing for the petitioner has not denied the said findings.

10. Hence, I am of the considered view that the relief sought for by the petitioner becomes infructuous and there is no need to proceed further with this Civil Revision Petition.

11. In fine, this Civil Revision Petition is disposed of. No costs.

28.11.2019

Speaking Order/Non Speaking Order

Index : Yes / No

Internet : Yes

sri

To

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5.The Commissioner,
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R.PONGIAPPAN, J.,

sri



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