



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 22ND DAY OF MARCH 2019

THE HON'BLE MR. JUSTICE P.VELMURUGAN

ELP.NO.2 OF 2017
and
O.A.No.955 of 2018

ELP No.2 of 2017

&

O.A.No.955 of 2018

Dr.P.Saravanan, MD,
No.7A, Marudhupandiyan Nagar,
4th Main Road, Sulthan Nagar,
Narimedu, Madurai 625 002.

... Petitioner

-VS-

1.Bose A.K. (Deceased) (*)

No.225/26B, Jeeva Nagar,
2nd Street, Ward No.92,
Madurai 625 011.

2.M.Bose(*)

S/o. Mayandidevar,
3-435, Nethaji Nagar,
Dhanakkankulam(P),
Madurai South (T.K.)
Madurai District.

3.R. Muthuraj(*)

S/o. Late Rajaratnam,
No.371/451, Kurinji Nagar,
Thanakkankulam,
Thirunagar,
Madurai-625 006.

(*) 4.Dhanapandiyan D.

Chinnavakaikulam,
Vakaikulam post,
Thirumangalam Taluk,
Madurai 625 706.

(*) 5.Mayilsamy N.

Melakodumalur Post,
Abiramam Via,
Muthukulathur Taluk,
Ramanathapuram District 623 601.

(*) 6.Srinivasan R.

No.RH-56, Meenakshi Avenue,



Kalai Nagar 1st Street,
Aaniyur, Madurai 625 017.

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- (*) 7. Mahadevan ELA.
No.4E, 18/18, 4th Street,
Nellaiyappapuram,
Thiru Nagar, Madurai 625 006.
- (*) 8. Ramesh S.
No.3/317, B.Thuringipatti Post,
Pappireddypatti Taluk,
Dharmapuri District 635 301.
- (*) 9. Jayaraman M.
No.3/167, Aalampatty,
Karadipatty Panchayath,
Thiuparangundram Taluk,
Madurai 625 019.
- (*) 10. Ahameed Abdul Khadhar @ Veerachozan,
No.9/66, East Street,
Veerachozan, Virudunagar District 626 612
- (*) 11. Alla Pitchai,
No.1/930A, 3rd Main Road,
Bharathi Nagar, Ramanathapuram District 623 503.
- (*) 12. Gopalakrishnan K.S.
No.4A, Bharathiyar East Street,
Thirunagar, madurai 625 006.
- (*) 13. Gopalakrishnan M.
Sambiranipatty,
A.Vallalapatty, Kidaripatty post,
Melur, Madurai 625 301.
- (*) 14. Saravanan R.
No.3/173, Piravalavu Street,
Kuthiyarkoondu,
Thiruparankundram,
Madurai 625 008.
- (*) 15. Thangapandi P.
No.2/75A, East Street,
Othai Aalangulam,
Valayapatti post,
Thiruparangundram Taluk,
Madurai 625 022.
- (*) 16. Damodharan S.L.
<https://hcservices.ecourts.gov.in/hcservices/>,
Madurai Veeran Koil Street,
Manjanakkara Street,
Madurai 625 001



(*)17.Dr.Padmarajan K.
No.3/3, 23A, Padma nivas,
Ram Nagar Post,
Mettur, Salem Disrict 636 403.

(*)18.Korkai Palanisamy Kudumbar,
No.4-59, Thuduvanpatty,
S.I.T.Post, Kariyapatty Taluk.
Virudhu Nagar District 626 115.

(*)19.Mahalingam.PON,
No.1/368, Krishna Nagar,
Dhanakkankulam,
Madurai 625 006.

(*)20.Manmadhan M.
No.170, Ayankollan Kondan,
Nakkaneri,
Rajapalayam Taluk,
Virudhunagar District 626 142.

(*)21.Mari N.
No.79, Harijan Colony, Nilaiyur,
Thiruparankundram Taluk,
Madurai 625 005.

(*)22.Meenakshi Sundaram S.
No.9, Aasari Lane,
Sellur, Madurai 625 002.

(*)23.Murugaiya M.
No.141, Ragavendar Street,
Balaji Nagar,
Thiruparankundram Post,
Madurai 625 006.

(*)24.Moorthi K.
Joseph nagar,
2nd Cross Street, Thiru Nagar,
Madurai District 625 006.

(*)25.Mydeen Pitchai H.
No.3/247, Pasumpon Street,
Vilacherry, Thiruparankundram Taluk,
Madurai 625 006.

(*)26.Mohan S.
No.5, Senkundram Nagar 3rd Street,
Thiyagarajar Engineering College Road,
Thiruparankundram, Madurai 625 005.

(*)27.Rajkumar,
No.57-D, Sathur Main Road,



Kovilpatty, Thoothukudi District 628 501.

(*)28.Jagadish Kumar R.
No.5, Veerandevar Lane,
Keezhatheru,
Thiruparankundram,
Madurai 625 006.

(*)29.Jagaveeran S.
No.22, Pasumpon 2nd Cross Street,
Thiru Nagar, Madurai 625 006.

(*)30. (28) (#)The Returning Officer/District Supply &
Consumer Protection Officer,
195, Thiruparankundram Assembly Constituency Cum
District Collector's Complex,
Madurai 625 020

(*)31. (29) (#)The District Electoral Officer/
District collector,
O/o.District Collector's Complex,
Madurai 625 020.

(*)32. (30) (#)The Chief Electoral Officer of Tamil nadu,
Public (Elections) Department,
Fort St.George, Secretariat,
Kamarajar Salai, Chennai 600 009.

(*)33. (31) (#)The Chief Election Commissioner of India,
Nirvachan Sadhan, Ashoka Road,
New Delhi 110 011.

...Respondents

(#)Now Respondents 30 to 33) then respondents 28 to 31 struck off from the array of respondents in ELP.No.2/2017 as per order of this Court dated 09.06.2017 in OA.Nos.338 to 341 of 2017 in ELP.2 of 2017

(*)The 2nd and 3rd Respondents are
impleaded as interested person as per
order dated 5/10/2018 in OA Nos. 904 &
888 of 2018 by this Hon'ble Court

The Election Petition praying that this Hon'ble Court be pleased to

(a) Declare, declaring the election of the 1st respondent as returned candidate on 22.11.2016 from No.195 Tiruparankundram Assembly Constituency as null and void.



(b) Award the costs of this petition.

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The Original Application No.955 of 2018 praying that this Hon'ble Court be pleased to (i)amend paragraph No.28 and include the following at the end of Para 28:- "I state that but for the votes obtained by the returned candidate, namely, the 1st Respondent by corrupt practice, I would have obtained a majority of valid votes. Under these circumstances, the election of the returned candidate, the 1st Respondent herein, has to be declared void and consequently this hon'ble Court has to declare the Petitioner as duly elected to the No.195, Thiruparankundram Assembly Constituency." (ii)amend Paragraph No.31(a) by deleting and substituting the following :- "31(a). Declaring the election of the 1st Respondent as returned candidate on 22.11.2016 from No.195, Thiruparankundram Assembly Constituency as null and void and consequently declare that the petitioner has been duly elected to the No.195, Thiruparankundram Assembly Constituency."

The above Election Petition and Original Application having been heard on 29.10.2018 in the presence of Mr.V.Arun, advocate for the Election Petitioner/Applicant and Mr. M.Vivekanandan, advocate for the 2nd Respondent/2nd Respondent and Mr.M.P. Saravanan, advocate for the 3rd Respondent/3rd Respondent herein; Mr.Niranjan Rajagopalan, advocate for M/s.G.R.Associates for the Respondents 28 to



31 (now respondents 30 to 33) and upon reading the Election Petition, Judges Summon and affidavit of Dr.P.Saravanan filed herein, and upon hearing the evidence adduced herein and upon perusing the exhibits marked thereon and this Court having stood over for consideration till this day and coming on this day before this court for orders in the presence of this said advocates and this Court having found that the Forms A and B submitted by returned candidate is not in consonance with the provisions of Election Laws and his nomination is declared as improper and therefore, there is no requirement to prove that the result of the election of the returned candidate is materially affected once his nomination is declared to have been improperly accepted and since this Court declared the election for No.195, Thiruparankundram Assembly constituency is declared as null and void on the ground of defective nomination of the returned candidate, but not on the ground of corruptive practice and

IT IS ORDERED AS FOLLOWS :-

(1) That the Election of the first respondent as returned candidate on 22.11.2016 from No.195, Thiruparankundram Assembly Constituency be and is hereby declared as null and void.



(2) That the Application No.955 of 2018 be and is hereby dismissed.

(3) That there shall be no order as to costs.

WITNESS, THE HON'BLE SHRIMATI, VIJAYA KAMLESH
TAHILRAMANI, CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID
THIS THE 22nd DAY OF MARCH, 2019.

sd/-
ASSISTANT REGISTRAR
Original Side - I

//CERTIFIED TO BE TRUE COPY//
DATED THIS THE DAY OF 2019

COURT OFFICER(OS)

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



cns.08.04.2019

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8

ELP.NO.2 OF 2017

and

O.A.No.955 of 2018

DECREE DATED: 22.03.2019

THE HON'BLE MR. JUSTICE

P.VELMURUGAN

FOR APPROVAL: 08/04/2019

APPROVED ON : 09/04/2019