

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY CIVIL ORIGINAL JURISDICTION)

DATED : 12-11-2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

O.A.No.872 of 2019

in

ELP.No.5 of 2019

Mrs.Tamilisai Soundararajan
W/o.Mr.Soundararajan,
No.7, Logaiah Colony,
4th Cross Street,
Saligramam,
Chennai-600 093.

.. Petitioner

Vs.

1.Mrs.Kanimozhi,
D/o.M.Karunanidhi,
No.14, First Main Road,
CIT Colony,
Mylapore,
Chennai-600 004.

2.The Chief Election Commissioner,
O/o.Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi-110 001.

3.The Returning Officer,
No.36, Thoothukudi Constituency,
O/o.District Collector,
Korampallam,
Thoothukudi-628 101.

.. Respondents

This Original Application is filed under Order XIV Rule 8 of Original Side Rules read with Section 109 of The Representation of the People Act, 1951 to permit the petitioner to withdraw the election Petition No.5 of 2019, challenging the election of the first respondent from the Thoothukudi Parliamentary Constituency.

For Petitioner : Mr.S.Ravi for
Mr.R.Soundararajan.
For Respondent-1 : Mr.Richardson Wilson for
M/s.P.Wilson Associates.
For Respondents-2&3 : Mr.Niranjan Rajagopalan

ORDER

The relief sought for in the present original application is to permit the petitioner to withdraw the election Petition No.5 of 2019, challenging the election of the first respondent from the Thoothukudi Parliamentary Constituency.

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2. This Court passed an order on 14.10.2019 and the same reads as under:-

"The petitioner, Mrs.Tamilisai Soundararajan filed the present petition, seeking withdrawal of the Election Petition No.5 of 2019, which is filed, challenging the Election of the 1st respondent Mrs.Kanimozhi from the Thoothukudi Parliamentary Constituency.

2. The learned counsel for the petitioner states that the petitioner, Mrs.Tamilisai Soundararajan had already assumed charge as the Governor of the State of Telengana and therefore, had taken a decision to withdraw the Election Petition filed by her in ELP.No.5 of 2019.

3. In compliance with the provisions of Section 109(2) of the Representation of the People Act 1951, the Gazette Notification was ordered to be published by this Court in order dated 22.09.2019. Accordingly, the Gazette publication was effected in the Tamil Nadu Government Gazette, which was published on 09.10.2019. The copy of the Gazette publication is also made available before this Court.

4. In view of the compliance of Sub Clause 2 of Section 109, further orders are to be

issued, granting permission to withdraw the Election Petition filed by the petitioner by following the procedures as contemplated under Section 110 of the Representation of People Act 1951.

5. In view of the reasons stated in the accompanying affidavit filed in support of the original application as well as considering the submissions of the learned counsel appearing on behalf of the Election Petitioner, this Court is inclined to consider the Original application.

6. The learned counsel appearing on behalf of the 1st respondent as well as the learned counsel for the respondents 2 and 3, made a submission that they have no objection for allowing the withdrawal application. Thus, the prayer in Original Application No.872 of 2019 in ELP.No.5 of 2019, is granted and the petitioner is permitted to withdraw the Election Petition filed in ELP.No.5 of 2019 with a direction that this order should be published in the Tamil Nadu Government Gazette in compliance with Section 110 (3) (b) of the Representation of the People Act 1951.

7. Apart from the Government Gazette, the petitioner is directed to effect Publication in

one English Newspaper (either in "The Hindu" or in "The Times of India") as well as in one Tamil Newspaper, more specifically having wide circulation in Thoothukudi Parliamentary Constituency.

8. The Registry, High Court of Madras is directed to comply with the procedures within a period of Ten(10) days from the date of receipt of a copy of this order and therefrom within a period of 10 days, the petitioner is directed to effect Publication and submit the proof for publication before this Court. On receipt of the proof, Registry is directed to list this matter for Reporting Compliance.

List the matter for further consideration on 11.11.2019."

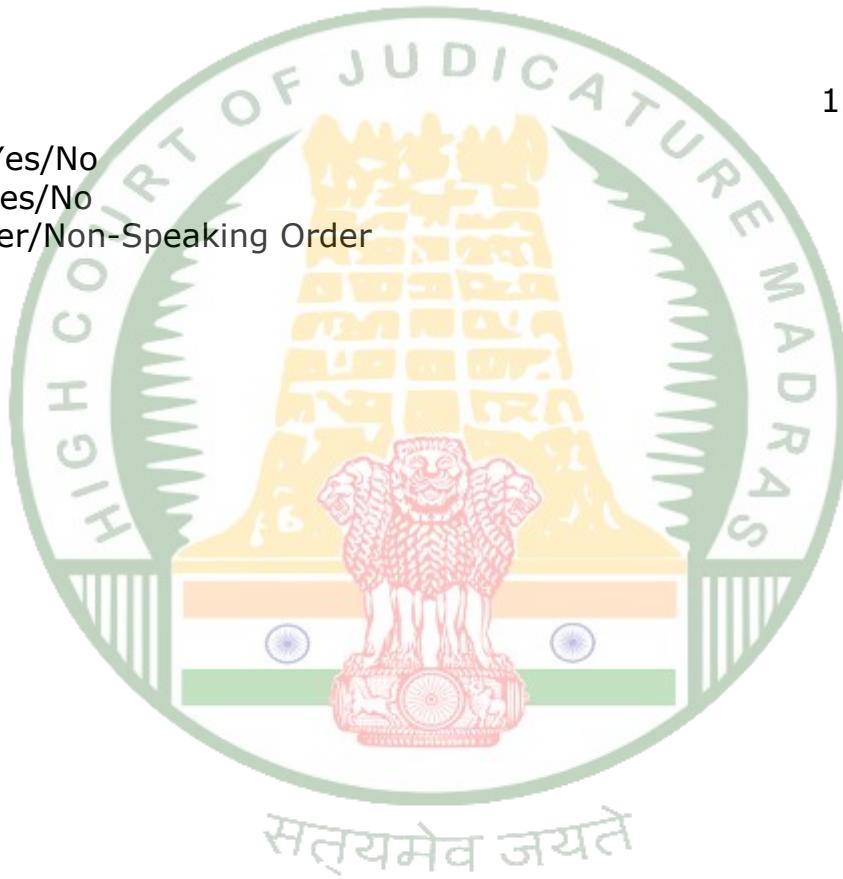
3. Pursuant to the orders of this Court, cited supra, the Government Gazette publications were made on 23.10.2019 and thereafter, the petitioner effected paper publication in 'Dina Thanthi (Nellai Edition)' newspaper on 04.11.2019 and in 'Times of India (Madurai Edition)' newspaper on 04.11.2019.

4. In view of the fact that the petitioner has complied with the

conditions imposed by this Court in order dated 14.10.2019, the Original Application No.872 of 2019 for withdrawal of the Election Petition No.5 of 2019 stands allowed with reference to the original election petitioner Mrs.Tamilisai Soundararajan. However, there shall be no order as to costs.

12-11-2019

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Svn



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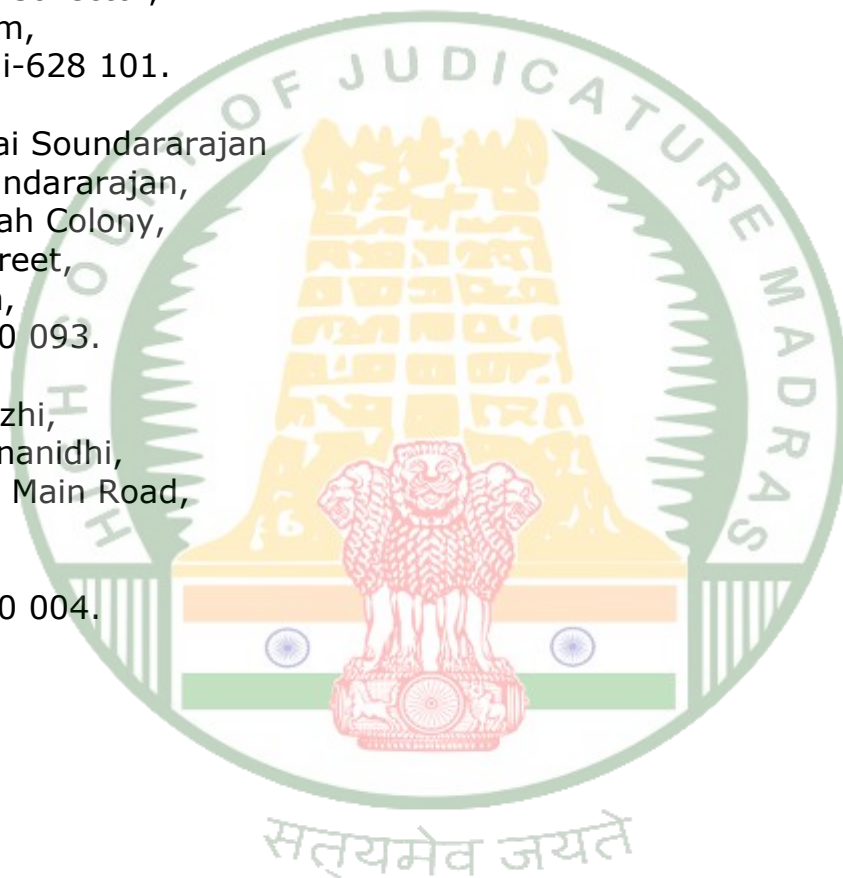
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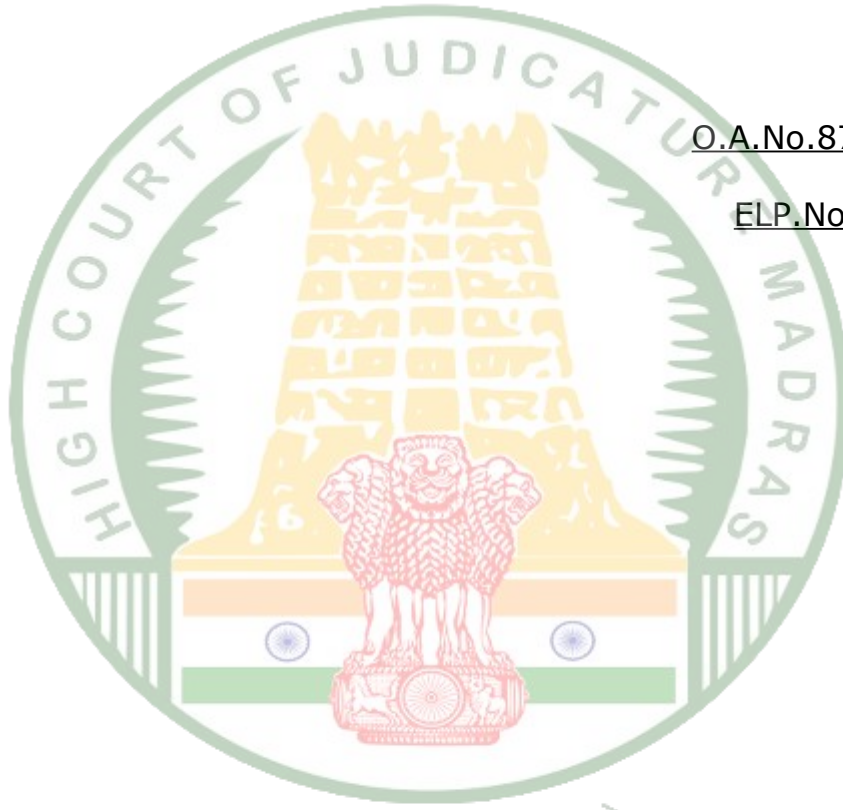
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