

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 6TH DAY OF NOVEMBER 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.A.No. 952 of 2019
in
Election Petition No. 3 of 2016

OA.NO.952 OF 2019

&

ELP No.3 of 2016

S.M.Nasar,
No.16, Thayagam Illam,
Budhhar Street,
Kamarajar Nagar,
Avadi,
Chennai 600 071.

... Applicant/Petitioner

-VS-

1.Pandia Rajan K.
61/-TAS Enclave,
Flat No.C3, 3rd Floor,
Golden Kings Court,
10th Main Road, Annanagar,
Chennai 600 040.

2.Charles S.
4/- Dr.Ambedkar Street,
Kenguredykuppam,
Thiruninravur 602 024.

3.Loganathan J.
3-9/- Pillayar Koil Street,
Pidarithangal Village,
Paanavedu Garden,
Poonamallee,
Chennai 600 056.

4.Anthridoss R.
3/- Govindarajulu Street,
Sri Devi Nagar,
Avadi, Chennai 600 071.

Annanur, Chennai 600 077.

6. Nallathambi S.
37/- Mosque Street,
Pattabiram,
Chennai 600 072.
7. Ponnusamy R.
5/- Transformer Metu Street,
Thiruninravur, Chennai 602 024.
8. Rowoth Pasari,
3/-3rd Street, Santhipuram,
Thirumullaivoyal,
Avadi, Chennai 600 062.
9. Antharaiyan,
198-13/- Madhakoil Street,
Monnavedu, Melannur,
Tiruvallur,
Pincode - 627 027.
10. Karthikeyan V.P.
B3-35/- Kendriyavihar,
2nd PH Road,
Paruthipattu,
Avadi 600 071.
11. Kaliammal Rajendran,
3/- EVR Nagammai Nagar,
Vinayagarkoil Cross Street,
Avadi, Chennai 600 109.
12. Sathya D.
3-Jothiramalinga Nagar,
2nd Cross Street,
Kavarapalayam,
Avadi, Chennai 600 054.
13. Selvanayagam D.
30-2/- Thiruvalluvar Street,
Kamarajapuram, Pattabiram,
Chennai 600 072.
14. Dharani K.
16-5/- Kadumpadi,
Nagammankoil Street,
Chattaram, Pattabiram,
Chennai 600 072.
15. Dinesh kumar P.
3-10/- Inanneerkinaru Street,
Thandurai,

Pattabiram,
Chennai 600 072.

16.Durga Prasad G.
10-1/- Bajanaikoil Street,
Kavarapalayam,
Avadi, Chennai 600 054.

17.Nasar S M A
26/- Pavalakara Street,
Mannadi, Chennai 600 001.

18.Pandiarajan G.
2/- Ramalingapuram 1st Street,
Kamarajarnagar, Avadi,
Chennai 600 071.

19.Ramachandran J.
4/3, Annai Abirami Nagar,
Sivan Koil Road, Avadi,
Chennai 600 077.

20.Janova J.
44/42 Mettu Street,
Sekkadu,
Avadi, Chennai 600 071.

21.The Election Commission of India,
Represented by its Chief Election Commissioner,
Nirvachan Sadan, Ashoka Road,
New Delhi 110 001.

22.The Returning Officer,
Avadi Constituency,
Avadi Taluk Office,
Railway Station Road,
Avadi, Chennai 600 054.

23.V.Muthusamy,
Returning Officer,
Avadi Constituency,
Avadi Taluk Office,
Railway Station Road,
Avadi, Chennai 600 054.

24.Muthu,
DRO Cum Election Nodal Officer for Avadi and
Poonamallee Constituency, Collectorate Office,
Tiruvallore.

...Respondents

Hon'ble Court dated 11.07.2017 made in OA.Nos.297 & 298 of 2017 in ELP.No.3 of 2016)

This Original Application praying that this Hon'ble Court be pleased to summon Mr.Vijayaraghavan, presently inspector of Police, T-2 Ambatur Estate Police Station at Sai Nagar, Ambattur Industrial Estate, Chennai, Tamil Nadu 600 058, to give evidence in the Election Petition.

The above Original Application coming on this day before this court for hearing in the presence of Mr.Richardson Wilson for M/s.P.Wilson Associates, Advocates for the Applicant/Election Petitioner and Mr.Karthik Seshadri for M/s.Iyer & Thomas, Advocates for the 1st Respondent/1st Respondent herein; and upon reading the Judges Summon and affidavit of S.M.Nasar and Common Counter Affidavit of the 1st Respondent filed herein; and

THE COURT MADE THE FOLLOWING ORDER:-

This application has been filed to summon Mr.Vijayaraghavan, Inspector of Police, T2 Ambattur Estate Police Station, to give evidence in the election petition.

2. Pursuant to the letter dated 07.05.2017, Mr.Vijayaraghavan then Inspector of Police has registered an FIR against M/s. M.Vallishanmugam and Jayaprakash for distribution of cash.

3. It is stated that the FIR has been registered pursuant to the same and these two persons namely

Mr.M.Vallishanmugam and Mr.Jayaprakash were apprehended by the Police upon registration of FIR.

4. It is the claim of the petitioner that the FIR was not made available to him. These averments were made in the main petition itself. Even though the name of Mr.Vijayaraghavan has not been shown in the list of witnesses, I find that his evidence would be material in deciding on the occurrence that said to have been taken place (distribution of cash) on 07.05.2016.

5. Hence, this application is allowed. Registry is directed to issue witness summons to Mr.Vijayaraghavan, Inspector of Police, T2 Ambattur Estate Police Station, Sai Nagar, Ambattur Industrial Estate, Chennai - 600 058, to be present in Court to depose in the election petition on 18.11.2019.

WITNESS, THE HON'BLE DR.JUSTICE VINEET KOTHARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID THIS THE 6TH DAY OF NOVEMBER 2019.

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SD/-

ASSISTANT REGISTRAR
Original Side - II

//CERTIFIED TO BE TRUE COPY//

DATED THIS THE DAY OF

2019

COURT OFFICER(OS)

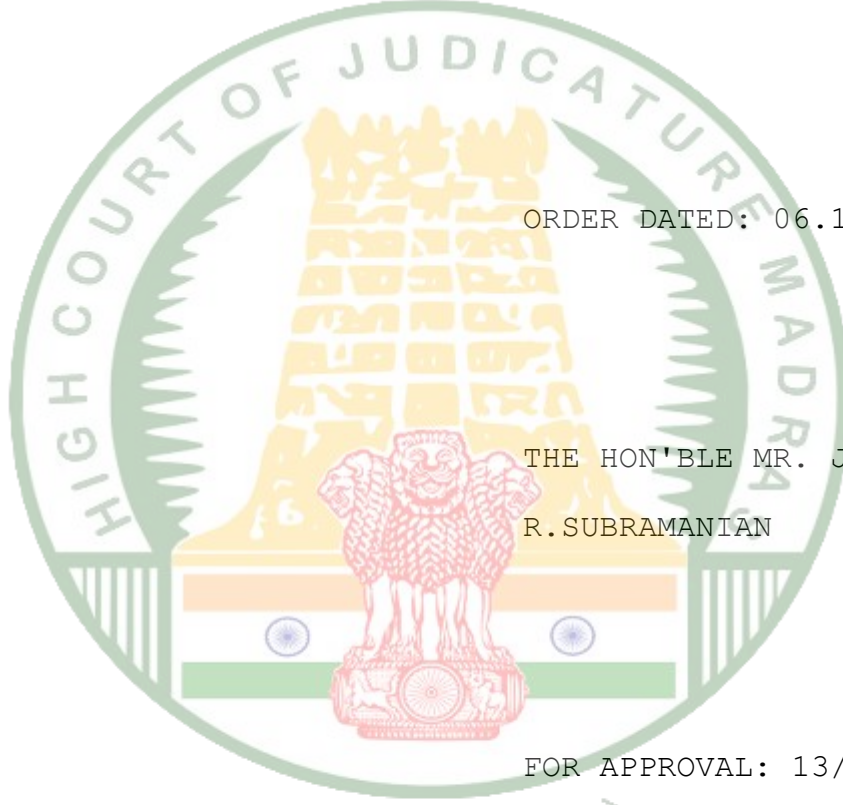
From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

cns.13.11.2019

O.A.No. 952 of 2019

IN

ELP.NO.3 OF 2016



ORDER DATED: 06.11.2019

THE HON'BLE MR. JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 13/11/2019

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APPROVED ON : 13/11/2019

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