



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. [MD] No.11563 of 2019

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Bharathikannamma (Transgender)

: Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Returning Officer,
195, Thiruparangundram Assembly
Constituency and District Supply and
Consumer Protection Officer,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to take on file the petitioner's nomination form and allow to contest as a Independent Candidate at 195, Thiruparangundram State Assembly Constituency to be held on 19.05.2019.

For Petitioner : Ms.Bharathikannamma
Party-in-person

For Respondents : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The Writ Petitioner is a well known Transgender activist and a social worker. She wanted to contest in the by-election for the 195, Thiruparangundram State Assembly Constituency, to be held on 19.05.2019. The Writ Petitioner filed her nomination papers. But, according to her, her nomination was improperly rejected. Therefore, she has moved this Writ Petition for directing the respondents to take on file her nomination form and allow her to contest in the by-election as an independent candidate.

2.Though the petitioner may have a case on merits, we are unable to entertain this Writ Petition, because the election process has commenced. Rejection of the nomination form can be a ground of challenge only in the Election O.P. Since, the election process has commenced, this Court cannot interfere. Therefore,



leaving open all the petitioner's rights and by giving liberty to the petitioner to file an Election O.P., this Writ Petition is dismissed. No costs.

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Sd/-

Vacation Officer

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Madurai.

2.The Returning Officer,
195, Thiruparangundram Assembly
Constituency and District Supply and
Consumer Protection Officer,
Madurai.

+1cc to M/s.BHARATHI KANAMA, Advocate, SR.No.65299

Order made in
W.P.[MD]No.11563 of 2019
08.05.2019

MR

KK/SAR/22.05.2019/ 2P- 4C

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