



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

Writ Petition (MD).No.23756 of 2019

G.Moorthy

... Petitioner

Vs.

1.The Chief Electoral Officer,
Tamil Nadu Election Commission,
Inner Ring Road, Jai Nagar,
Koyambedu, Chennai-600 106.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Commissioner,
Sivagangai Municipality,
Sivagangai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to remove the 97 bogus electoral voters of 27th Ward, Sivagangai Municipality and also induct the petitioner in voters list of 27th ward to ensure the fair and free local body elections.

For Petitioner	: Mr.T.Kumar
For Respondents	: Mr.Raja Karthikeyan (for R1) Standing Counsel Mr.A.Muthukaruppan (for R2) Additional Government Pleader Mr.J.Lawrence (for R3) Standing Counsel

O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

We have heard Mr.T.Kumar, learned counsel appearing for the petitioner, Mr.Raja Karthikeyan, learned Standing Counsel appearing for the first respondent, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the second respondent and Mr.J.Lawrence, learned Standing Counsel appearing for the third respondent.

2.This writ petition has been filed to direct the respondents to remove 97 bogus electoral voters of 27th Ward, Sivagangai Municipality and also induct the petitioner in voters list of 27th Ward.



3.After elaborately hearing the learned counsel for the petitioner and going through the representation given by the petitioner, we find that at this juncture, the respondents would not be in a position to take any action, as already the voter lists have been finalized as early as on September 2018. If according to the petitioner bogus voters ID have been included, at the relevant time, objection should have been raised. Apart from that, the second limb of the prayer sought for by the petitioner to include him in the list also, cannot be directed to be done by this Court under Article 226 of the constitution of India. Therefore, at this juncture, the relief sought for cannot be granted. However, this will not prevent the petitioner from pursuing his representation before the concerned authority, so that the order can be put to test before the next voter list is drafted, when the next election was notified.

4.Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar(CS)

To

The District Collector,Sivagangai District,Sivagangai.

1 CC to M/s.T.KUMAR, Advocate (SR-97328[F] dated 11/11/2019)
+1 CC to M/s.SPL GP (SR-97776[F] dated 12/11/2019)
+1 CC to M/s.RAJA. KARTHIKEYAN, Advocate(SR-97923[F]dated 13/11/2019
rmk

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