



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).No.24755 of 2019

and

W.M.P(MD).No.21356 of 2019

Muruganandam

... Petitioner

Vs.

1.The Tamil Nadu State Election Commission,
Through Election Commissioner,
No.208/2, Jawaharlal Nehru Salai,
Arumbakkam, Chennai-600 106.

2.The Commissionerate of Municipal Administration,
through its Commissioner/Director,
Urban Administrative Building
(opp.CIBA BLDG), No.75,
Santhome High Road, MRC Nagar,
Raja Annamalai Puram, Chennai,
Tamil Nadu 600 028.

3.The District Collector/
Inspector of Town Panchayat,
Dindigul District, Dindigul.

4.The Executive Officer/Electoral Registration Officer,
Kannivadi Town Panchayat,
Dindigul West Taluk,
Dindigul District-624 705.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents and more particularly the third respondent or any appropriate authority superior the fourth respondent to conduct proper enquiry into the objections raised by the petitioner in his petition sent on 22.10.2019 and on 07.11.2019 to the respondents in respect of the irregularities in the Electoral Roll published by the fourth respondent for the 13th Ward, 14th Ward and 15th Ward of the Kannivadi Town Panchayat for the proposed Local Bodies Election 2019 and rectify the defects and irregularities and publish a final electoral roll in accordance with the division of wards notified by the fourth respondent within a stipulated time.



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For Petitioner
For Respondents

: Mr.H.Lakshmi Shankar
: Mr.Raja Karthikeyan (for R1)
Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.A.Muthukaruppan
Additional Government Pleader
(for R2 & R3)
Mr.S.Sethuraman
Special Government Pleader
(for R4)

O R D E R

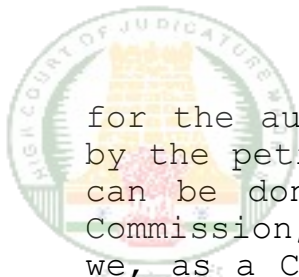
(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.H.Lakshmi Shankar, learned counsel appearing for the petitioner, Mr.Raja Karthikeyan, learned counsel appearing for the first respondent, Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents 2 and 3 and Mr.S.Sethuraman, learned Special Government Pleader appearing for the fourth respondent.

2.This writ petition has been filed for a direction upon the respondent more particularly third respondent to conduct proper enquiry to the objections given by the petitioner in respect of irregularity in the electoral roll published by the fourth respondent for the 13th , 14th and 15th Ward of Kannivadi Town Panchayat for the proposed Local Bodies Election 2019 and rectify the defects and publish a final electoral roll in accordance with the division of wards notified by the fourth respondent.

3.The petitioner, namely, Muruganandam has stated that three members of his family have been split and their names have been reflected in three different wards, where they do not reside. The similar instances are being pointed out by the petitioner, stating that the residence of 13th Wards numbering 109 are shown as voters in the 14th Ward and omitted in the list of voters in the 13th ward. Likewise, 5 persons are shown as voters in the 15th Ward, though they are to be shown as voters in the 13th Ward. Further, it is submitted that on account of these defects, this will have other ramifications including the issuance of family card, consequential distribution of public distribution items etc.,

4.In our considered view, the procedure stipulated by the Election Commission for pointing out objections in Electoral Rolls have to be adhered to by every objectors. In the instant case, the last date for rectifying defects in the voter list is over and final voter list has been published. It is the submission of the learned counsel for the petitioner that even now it is tune, not too late



for the authority should act by taking note of the objection filed by the petitioner and well before the date of election rectification can be done. If such a power is vested with the State Election Commission, it is for them to take a decision in this matter. But, we, as a Court exercising its jurisdiction under Article 226 of the Constitution of India, cannot direct such an action should be done more particularly when there has not been pointed out that there has been a infraction. Therefore, it is up to the State Election Commission to take a decision in such matter and we are not inclined to issue such direction in this regard.

5.Mr.Rajakarthikeyan, learned counsel for the first respondent submitted that there is no error in the process adopted by the Election Officer and he has followed Rule 8, 19 and 20 of the Tamil Nadu Town Panchayat Municipality Election Rules and de-limitation as exercised has been carried out, thus we find there is no error warranting interference or issue any direction.

6.Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Salai,
Arumbakkam, Chennai-600 106.
- 2.The Commissioner/Director,
Commissionerate of Municipal Administration,
Urban Administrative Building
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4.The Executive Officer/Electoral Registration Officer,
Kannivadi Town Panchayat,
Dindigul West Taluk, Dindigul District-624 705.

+1 CC to Mr.H. LAKSHMI SHANKAR, Advocate (SR-100845[F] dated
25/11/2019)

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22.11.2019

VB (06.12.2019) 4P 6C