



WEB COPY

W.P(MD)No.27025 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.12.2019

CORAM

**THE HONOURABLE MR.JUSTICE M.DURAISWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

W.P (MD)No.27025 of 2019

C.Christopher Jeyakumar

... Petitioner

Vs.

1.The Assistant Election Officer,
Mudalur - 628 701.
Thoothukudi District.

2.P.Murugesan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to reject the nomination filed by the second respondent for the election to the post of President to the Mudalur Panchayat, Thoothukudi District, based on the petitioner's objection dated 17.12.2019.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.K.Chellapandian
Additional Advocate General for R.1

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ORDER

[Order of the Court was made by **M.DURAISWAMY, J.**]

The petitioner has filed the above writ petition to issue a writ of mandamus to direct the first respondent to reject the nomination filed by the second respondent for the election to the post of President to the Mudalur Panchayat, Thoothukudi District, based on the petitioner's objection dated 17.12.2019.

2. According to the petitioner, the second respondent's nomination along with his Form 3 and Form 3A, he has shown Rs.88,50,000/- as the total value of his assest. The second respondent's wife filed nomination for the 8th ward, in which the second respondent's assest has been shown as Rs.1,70,50,000/-. In these circumstances, the petitioner made objection for the acceptance of the second respondent's nomination form and prayed for



rejection of the same. However, the first respondent rejected the request of the petitioner. In these circumstances, the petitioner has filed the writ petition.

3. Mr.K.Chellapandian, learned Additional Advocate General appearing for the first respondent submitted that the first respondent had already scrutinized the applications and also published the list of eligible candidates. Further the learned Additional Advocate General submitted that the second respondent was declared as eligible candidate. Further the learned Additional Advocate General submitted that the petitioner cannot question the panchayat election in view of Article 243(O) of the Constitution of India.

4. On a perusal and consideration of the materials available on record and the submissions made by the learned Counsel appearing on either side, it could be seen that the first respondent has already scrutinized the applications and found the second respondent eligible to contest the panchayat election. Under Article 243 (O) of the Constitution of India, no election to any Panchayats shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

5. Further under Section 259(d) of the Tamil Nadu Panchayat Act, 1994, if the District Judge is of the opinion that the result of the election insofar as it concerns a returned candidate has been materially affected by the improper acceptance of any nomination may declare the election to be void. Therefore, when the nomination of the second respondent was improperly accepted by the authority, the petitioner can question the same under Section 259(d) of the Tamil Nadu Panchayat Act, 1994.

6. In these circumstances, we are not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

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To
The Assistant Election Officer,
Mudalur - 628 701.

<https://hcservicescourts.gov.in/hcservices/>
In the District.



+1 CC to M/s.T.A.EBENEZER, Advocate (SR-105776[F] dated 19/12/2019)

+1 CC to M/s.SPL.GP (SR-106165[F] dated 20/12/2019)

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