



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 18.12.2019

CORAM

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY**

**AND**

**THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

**W.P(MD)No.27033 of 2019**

**and**

**W.M.P(MD)No.23382 of 2019**

K.M.Thiruppathi

... Petitioner

Vs.

1.The State Election Commission,  
Chennai.

2.The District Election Officer,  
Madurai District.

3.The Assistant Returning Officer,  
Madurai West Panchayat Union,  
Madurai.

4.Rani

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to reject the candidature of the fourth respondent for the post of President, Kulamangalam Panchayat, Madurai.

For Petitioner : Ms.Porkodi Karnan

For Respondents : Mr.Raja Karthikeyan for R.1  
Mr.K.Chellapandian

Additional Advocate General for R.2 & R.3

\* \* \* \* \*

**ORDER**

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

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents 1 to 3 to reject the candidature of the fourth respondent for the post of President, Kulamangalam Panchayath.

2. It is the case of the petitioner that the respondents 1 to 3 should have rejected the nomination form of the fourth respondent for the reason that in the accompanying affidavit, the fourth respondent had not affixed her signature in page No.7. The petitioner contended that he had sent a representation dated 17.12.2019 to the second respondent to reject the nomination of the



fourth respondent. However, the second respondent failed to consider the said representation.

3. Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents 2 and 3 submitted that the third respondent had already scrutinized the applications and also published the list of eligible candidates. Further the learned Additional Advocate General submitted that the petitioner as well as fourth respondent were declared as eligible candidates. 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 official respondents have already scrutinized the applications and found that the fourth respondent as well as the petitioner 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 fourth 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. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The State Election Commission,  
Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Election Officer,  
Madurai District.

3.The Assistant Returning Officer,  
Madurai West Panchayat Union,  
Madurai.

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+1 CC to M/s.SPL.GP ( SR-106166[F] dated 20/12/2019 )

+1 CC to M/s.POLEX LEGAL SOLUTIONS, Advocate ( SR-106268[F] dated  
20/12/2019 )

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**and**

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**18.12.2019**

KK/SAR/03.01.2020/3P-6C/