



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MRS.JUSTICE T.RAVINDRAN

W.P. (MD)No.27240 of 2019

and

W.M.P. (MD)No.23528 of 2019

A.Palanivelu

... Petitioner

Vs.

1.The Tamil Nadu State Election Commissioner,
Inner Ring Road, Jai Nagar, Koyambedu,
Chennai=600 106.

2.The District Election Officer/District Collector,
Karur District, Karur.

3.The Election Officer/Block Development Officer,
Kulithalai Panchayat Union, Kottaimedu,
Kulithalai, Karur District.

4.P.Pappathi

5.V.Valli

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 particularly the third respondent to reject the nominations dated 16.12.2019 filed by the respondents 4 and 5 for the election of Sathyamangalam Village Panchayat President, Kulithalai Taluk, Karur District which will be held on 30.12.2019.

For Petitioner	: Mr.R.Murugappan
For R1	: Mr.Raja Karthikeyan
For R3	: Mr.K.Chellapandian, Additional Advocate General Assisted by Mr.VR.Shanmuganathan, Special Government Pleader

O R D E R

(Order of the Court was made by **M.DURAI SWAMY, J.**)

The above writ petition has been filed by the petitioner to issue a writ of Mandamus directing the respondents 1 to 3, particularly the third respondent to reject the nominations dated 16.12.2019, filed by the respondents 4 and 5 for the election of Sathyamangalam Village Panchayat President, Kulithalai Taluk, Karur District, which would be held on 30.12.2019.



2. It is the case of the petitioner that the respondents 4 and 5 have suppressed the possession of movable and immovable properties in the nomination form and therefore, their nomination should be rejected.

3. In the affidavit filed in support of the writ petition, the petitioner himself has stated that the fourth respondent's husband viz., Pitchai had filed a writ petition in W.P.(MD).No.19390 of 2016 as against the order passed by the District Revenue Officer, Karur, cancelling the Patta issued in favour of the private respondents in respect of the temple properties. Further, he obtained interim stay and the writ petition is pending before this Court. The petitioner has stated that in spite of the objections given to the third respondent for rejecting the nominations of the respondents 4 and 5, the third respondent has not rejected the names of the respondents 4 and 5 and published the final eligible candidates list.

4. Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents 2 and 3 submitted that since the possession of properties of the respondents 4 and 5 is the subject matter of the writ petition in W.P.(MD).No.19390 of 2016 and that the said writ petition is also pending, it cannot be stated that the respondents 4 and 5 have suppressed the possession of the properties. Further, the learned Additional Advocate General submitted that unless the respondents 4 and 5 succeeded in the writ petition and got title of the properties, it cannot be stated that they have suppressed the possession of the properties in the nomination form.

5. In view of the submissions made by the learned Additional Advocate General, we are of the view that the non-mentioning of the properties which is the subject matter of the writ petition, pending writ petition cannot be construed as a suppression of the material facts. That apart, the authorities have also consider the objections given by the general public, published the final eligible candidates list.

6. In these circumstances, for the reasons stated above, we do not find any merit in the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

1.The Tamil Nadu State Election Commissioner,
Inner Ring Road, Jai Nagar, Koyambedu,
Chennai-600 106.

2.The District Election Officer/District Collector,
Karur District, Karur.

3.The Election Officer/Block Development Officer,
Kulithalai Panchayat Union, Kottaimedu,
Kulithalai, Karur District.

+1 CC to M/s.RAJA KARTHIKEYAN, Advocate (SR-106327[F]

+1 CC to M/s.SPL.GP (SR-106516[F] dated 27/12/2019)

W.P. (MD) No.27240 of 2019
20.12.2019

SMA/20/01/2020/3P/6C