



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.12.2019
CORAM:

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

W.P. (MD)No.27252 of 2019

S.Ramamoorthy

... Petitioner

Vs.

1.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadhan,
Ashoka Road,
New Delhi-110 001.

2.The Union of India,
Ministry of Law and Justice,
Rep. through Secretary,
Nirvachan Sadhan,
Ashoka Road,
New Delhi-110 001.

3.The Tamilnadu State Election Commission,
Rep.through State Election Commissioner,
No.208/2, Jawarharlal Nehru Road,
Opposite CMBT, Arumbakkam,
Chennai-600 106.

4.The District Collector/District Election Officer,
District Collectorate,
Madurai District, Madurai-625 020.

5.The Returning Officer/Block Development Officer,
Kallikudi Union, Madurai District, Madurai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to pass an order in the petitioner's representation dated 07.12.2019 and permit to engage an Advocate along with the agent to monitor the counting process of election of 14 councilors of Kallikudi Union of Local Body Election in Kallikudi Union, Madurai District from opening of seal of Ballot Box classification of votes till declaration of results wherein the petitioner is contesting the post of President, Kurayoor, Kallikudi Union, Madurai District.



For Petitioner : Ms.S.Devasena
For R3 : Mr.Raja Karthikeyan
For R4, R5 : 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.DURAISWAMY, J.**)

The petitioner has filed the above writ petition to issue a writ of Mandamus directing the third respondent to pass an order in the petitioner's representation dated 07.12.2019 and to permit an Advocate along with the agent to monitor the counting process of election of 14 councillors of Kallikudi Union of Local Body Election in Kallikudi Union, Madurai District from opening of seal of Ballot Box classification of votes till declaration of results, wherein the petitioner is contesting to the post of President, Kurayoor, Kallikudi Union, Madurai District.

2. On a perusal of the Rule 60 of the Tamil Nadu Panchayat (Elections) Rules, 1955, it is clear that "each contesting candidate, his election agent and such number of his counting agents as may be specified by the State Election Commission, shall have a right to be present at the time of counting." The Rule does not provide for an advocate accompanying the counting agents. Similarly, the Rule does not bar an advocate being appointed as counting agents. When the Rules does not speak about the agents being accompanied by an advocate, the Mandamus sought for by the petitioner cannot be granted.

3. Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents 4 and 5 submitted that the Rule 60 of the Tamil Nadu Panchayat (Elections) Rules, 1955, does not provide for an advocate to accompany the counting agents.

4. For the reasons stated above, the writ petition is devoid of merits and the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Nirvachan Sadhan,
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2. The Secretary,
The Union of India,
Ministry of Law and Justice,
Nirvachan Sadhan,
Ashoka Road,
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3. The State Election Commissioner,
Tamilnadu State Election Commission,
No.208/2, Jawarharlal Nehru Road,
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District Collectorate,
Madurai District, Madurai-625 020.
- 5.The Returning Officer/Block Development Officer,
Kallikudi Union, Madurai District, Madurai.

+1 CC to Mr.RAJA KARTHIKEYAN, Advocate (SR-106342[F] dated 20/12/2019)

+1 CC to Mr.S.DEVASENA, Advocate (SR-106307[F] dated 20/12/2019)

+1 CC to SPL.GP (SR-106520[F] dated 27/12/2019)

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