



WEB COPY

W.P.(MD) No.27312 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

and

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P. (MD) No.27312 of 2019

and

W.M.P. (MD) Nos.23586 & 23588 of 2019

A.Saravanan

... Petitioner

-vs-

1.The Chairman De-limitation Commission /
The Tamil Nadu State Election Commissioner
Jawaharlal Nehru Road
Koyambedu, Chennai-600 106

2.The District Delimitation Authority /
District Collector
Office of the District Collector
Ramanathapuram District

3.The Revenue Divisional Officer
Ramanathapuram District
Ramanathapuram

4.The Panchayat Union Commissioner /
Block Development Officer
Thiruppulani
Ramanathapuram District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned Electoral Roll for Ward No.7 and 9 published by the fourth respondent of Regunathapuram Village Panchayat, Ramanathapuram District and quash the same on the ground that the same is arbitrary, illegal and without any basis and consequently directing the respondents to publish the new Electoral Roll for Ward No.7 and 9 of Ragunathapuram Village Panchayat, Ramanathapuram District.

For Petitioner: Mr.K.Sanjai Gandhi

For Respondents: Mr.D.Shanmugaraja Sethupathy for R1

Mr.K.Chellapandian

Additional Advocate General for R2 to R4

O R D E R

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

The petitioner has filed the above writ petition to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned Electoral Roll for Ward Nos.7 and 9 published by the



fourth respondent of Regunathapuram Village Panchayat, Ramanathapuram District, to quash the same and to direct the respondents to publish a new Electoral Roll for Ward Nos.7 and 9 of the abovesaid Village Panchayat.

2. It is the case of the petitioner that the respondents have delimited the Wards erroneously and therefore, this Court should interfere with the same.

3. So far as the delimitation is concerned, as per Article 243-O of the Constitution of India, the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 243-K, shall not be called in question in any Court. Further, no election to any Panchayat 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.

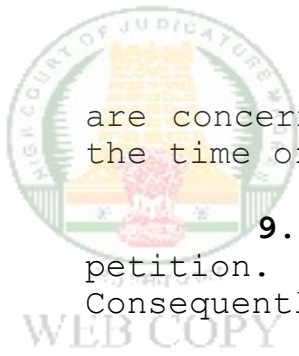
4. Since the petitioner is questioning the delimitation of the Wards in the present writ petition, as per Article 243-O of the Constitution of India, the writ petition cannot be entertained.

5. The next point canvassed by the petitioner was that in the Electoral Roll, the Authorities have made double entries in respect of some persons and also included the names of the dead persons.

6. The learned counsel for the petitioner submitted that Serial No.283 of Regunathapuram Village Panchayat Voters List, the name of one Chitradevi, has been entered twice in the voters list and her name has been mentioned in Serial No.594 of Chakkarakkottai Village Panchayat Voters List also. But, on a perusal of Serial No.283 of Regunathapuram Village Panchayat Voters List and Serial No.594 of Chakkarakkottai Village Panchayat Voters List, we could see that the photographs affixed in those two serial numbers are completely different. Though the names of Serial Nos.283 and 594 are similar, the door numbers are also different. That apart, even the voters identity card numbers are also different.

7. The learned counsel for the petitioner further submitted that even the names of the dead persons have been included in the voters list. However, the petitioner has not established the said contention by producing any acceptable documents. In the absence of any acceptable documents produced before this Court to prove that the names of the dead persons have also been included in the voters list, the contention of the petitioner cannot be accepted.

8. So far as the inclusion of the names of the dead persons and the double entry of the names of some persons in the voters list



are concerned, the petitioner's booth agent can raise objections at the time of polling.

9. Apart from that, 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 District Delimitation Authority /
District Collector,
Office of the District Collector,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Panchayat Union Commissioner /
Block Development Officer,
Thiruppulani,
Ramanathapuram District.

+1 CC to M/s.RAJA KARTHIKEYAN, Advocate (SR-106344[F]

+1 CC to M/s.SPL.GP (SR-106514[F] dated 27/12/2019)

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sma/20/01/2020/3p/6c