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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2020

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.693 of 2018

1. K.Mannarsamy

2. M.Madhanraj

(P2 is impleaded as per order dated 27.06.2019

made in WMP No.17511 of 2019 in

WP.No.693 of 2018)

... Petitioners

..Vs..

1. The District Election Officer/

District Collector,

Thiruvannamalai,

Thiruvannamalai District.

2. The Electoral Registration Officer/

Revenue Divisional Officer,

No.66, Polur Assembly Constituency,

Thiruvannamalai,

Thiruvannamalai District.

3. The Assistant Electoral Registration Officer

and Tahsildhar,

Polur Taluk,

Thiruvannamalai District.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd and 3rd respondents herein to include the petitioner's son name viz., M.Madhanraj in the Voter list of Kannigapuram Village, No.66, Polur Assembly Constituency, Thiruvannamalai District based on the application made in Form No.6 forthwith.

For Petitioner : Mr.K.Balu

For Respondents: Mr.Niranjan Rajagopal

Standing Counsel for Election Commission



O R D E R

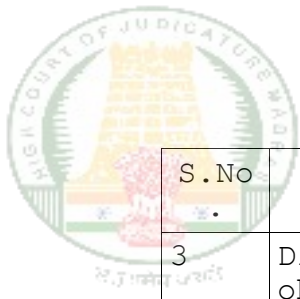
This writ petition has been filed in the nature of mandamus, directing the 2nd respondent namely the Electoral Registration Officer/Revenue Divisional Officer of Polur Assembly Constituency, Thiruvannamalai District and the 3rd respondent namely the Assistant Electoral Registration Officer and Tahsildhar, Polur Taluk, Thiruvannamalai District to include the name of the petitioner's son namely M.Madhanraj/2nd petitioner in the voter list of Kannigapuram Village, No.66, Polur Assembly Constituency, Thiruvannamalai District.

2. The 1st petitioner in his affidavit has stated that he is a resident of Kannigapuram Village, Polur Taluk, Thiruvannamalai District and married one Vasanthi who is a Srilankan Refugee in the year 1993. They are residing in Kannigapuram Village in Polur Taluk. They have got ration Card, Voter Card, Aadhar Card and such other documents in their names. The marriage has also been registered in Sub Registrar office, Kalambur on 10.05.1967 under the Tamil Nadu Hindu Marriage Registration Rule, 1967. They have been blessed with two sons namely Madhan Raj and Ramesh. It is claimed that both of them are residing along with the petitioner. Unfortunately, the 2nd son, namely Ramesh died on 10.03.2017. The petitioner has sought inclusion of one of his son in the Electoral list and to issue a Voter Identity Card for his son. He has given a representation on 15.10.2015 to the 1st respondent and the same has been forwarded to the 2nd respondent.

3. It is claimed that no action has been taken in this case. Further communication was issued by the the 1st respondent on 24.11.2015 to the 3rd respondent. The 2nd respondent also issued a direction to the 3rd respondent in respect of the grievance of the petitioner. It is stated that the 3rd respondent had not taken any action till date.

4. It is stated by the learned Additional Government Pleader that as per the communication issued by the Election Commission of India, a schedule has been prepared for final publication for Photo Electoral Rolls.

S.No	Activity	Period
1	Publication of Integrated draft Electoral Roll	On 23.12.2019 (Monday)
2	Period for filing claims & objections	From 23.12.2019 (Monday) to 22.01.2020 (Wednesday)



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S.No	Activity	Period
3	Disposal of claims and objections	By 03.02.2020 (Monday)
4	Preparation of Supplements	By 11.02.2020 (Tuesday)
5	Final Publication of electoral roll	On 14.02.2020 (Friday)

5. The learned counsel further stated that the claim and objections can be disposed by 03.02.2020. There would be a publication of Integrated draft Electoral Roll on 23.12.019 which date has since passed, however, if the name of the 2nd petitioner Madhanraj is not found in the draft electoral roll, there is a time for filing claims and objections till 22.01.2020. The petitioner may take advantage of that time period and if the name is not found, can raise his objection and file a claim application in proper form. Final Publication of electoral roll will be issued on 14.02.2020.

6. In view of the above, it is hoped that the respondents would consider the case of the petitioner favourably, since Section 3(1)(b) of the Citizenship Act, 1955 says that if the father is a citizen of the country, the son can also be considered as a citizen of the country. The respondent may also keep the above fact in mind and take necessary steps in accordance with rules.

7. With the above observations, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Election Officer/
District Collector,
Thiruvannamalai,
Thiruvannamalai District.



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2. The Electoral Registration Officer/
Revenue Divisional Officer,
No.66, Polur Assembly Constituency,
Thiruvannamalai,
Thiruvannamalai District.

3. The Assistant Electoral Registration Officer
and Tahsildhar,
Polur Taluk,
Thiruvannamalai District.

+1cc to M/s.K.Balu, Advocate Sr.671

+1cc to M/s. G.R.Associates, Advocate Sr.704

W.P.No.693 of 2018

cp[col]
srg 18/02/2020