

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.02.2020
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.8271 of 2012

K.Palanikumar

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Petitioner

Vs

1. The State Election Commission,
Rep by its Commissioner Koyambedu
Chennai.

2. The District Collector,
Vellore District.

3. The Commissioner,
Thirupattur Municipality,
Thirupattur.

4. G.Poopathi

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Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to enquire into the petitioner's complaint dated 08.11.2011 and take necessary further action against the 4th respondent in accordance with law, within a time frame.

For petitioner	:	Mr.R.Veeramani	
For respondents	:	Mr.B.Nedunchezhiyan	- R1
		Mr.R.S.Selvam	- R2
		Government Advocate	
		Mr.P.Srinivas	- R3
		Mr.G.Rajan	- R4

ORDER

This Writ Petition has been filed for a mandamus to direct the respondents 1 to 3 to enquire into the petitioner's complaint dated 08.11.2011 and take necessary action against the 4th respondent in accordance with law, within a time frame as fixed by this Court.

2. It is the case of the petitioner that the 4th respondent and his wife are permanently residing in Ward No.1 at Door No.17/33A1, Thirupattur Town and they have been issued Election Identity Card in SL. No.517, TN 08-1041/0324612 and SL. No.518, TN 08-1041/0325287 respectively.

3. It is the case of the petitioner that the 4th respondent, without getting his name deleted as Voter in the above mentioned address, he included his name by giving bogus address in Door No.33-D2/17, Gandhi Road, Thirupattur, which falls in Ward No.7 and managed to get another Election Identity Card in ID. No.SUU.061711.

4. It is the case of the petitioner that using the fraudulent document viz., Election ID Card No.SUU.061711, the 4th respondent has managed to contest as an independent candidate in the local body election and also won the same. According to the petitioner, he gave a complaint dated 08.11.2011 before the respondents 1 to 3, calling upon them to take action against the 4th respondent for having obtained two voters Identity Cards from two different addresses.

5. According to the petitioner, despite the complaint dated 08.11.2011, till date, no action has been taken by the respondents 1 to 3 against the 4th respondent. In such circumstances, the writ petition has been filed.

6. Heard Mr.R.Veeramani, learned counsel for the petitioner, Mr.B.Nedunchezhiyan, learned counsel for the first respondent, Mr.R.S.Selvam, learned Government Advocate appearing on behalf of the second respondent, Mr.P.Srinivas, learned counsel appearing on behalf of the third respondent and Mr.G.Rajan, learned counsel for the fourth respondent.

7. The grievance of the petitioner is that the fourth respondent has obtained two Voters Identity Cards with respect to two different addresses and also won the local body election as independent candidate by disclosing a bogus address at D.No.33-D2/17, Gandhi Road, Thirupathur, which falls in Ward No.7.

8. Admittedly, he has given a complaint before the respondents 1 to 3 on 08.11.2011, calling upon them to take action against the fourth respondent. Since the complaint dated 08.11.2011 given by the petitioner has not been enquired till date.

9. This Court is inclined to direct the respondents 1 to 3, to enquire into the petitioner's complaint dated 08.11.2011 against the fourth respondent with regard to the allegation of obtaining of two Election Voter Identity Cards in the name of the fourth respondent and pass final orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after giving sufficient opportunity to the petitioner as well as the fourth respondent to place their respective submissions.

10. With the aforesaid directions, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

rli

To

1. The Commissioner
State Election Commission,
Chennai.

2. The District Collector,
Vellore District.

3. The Commissioner,
Thirupattur Municipality,
Thirupattur.

+1 cc to M/s.R.Veeramani Advocate sr8038
+1 cc to Mr.G.Rajan Advocate sr8184

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