



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD) No.52 of 2020

and

W.M.P (MD) Nos.27 and 28 of 2020

S.Ananth

... Petitioner

Vs.

- 1.The Chief Electoral Officer,
Public (Elections) Department,
State of Tamil Nadu,
Fort St. George,
Secretariat,
Chennai - 600 009.
- 2.Tamil Nadu State Election Commission,
represented by
The Tamil Nadu State Election Commissioner,
Arumbakkam,
Chennai.
- 3.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.
- 4.The District Collector / The District Election Officer,
Thanjavur,
Thanjavur District.
- 5.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur,
Thanjavur District.
- 6.The Assistant Election Officer,
Office of the Assistant Election Officer,
Madukur Panchayat Union,
Pattukottai Taluk,
Thanjavur District.
- 7.The Assistant Inspector of Elections,
Madukur Panchayat Union,
Pattukottai Taluk,
Thanjavur District.



8.Baskaran,
The Assistant Inspector of Elections,
Madukur Panchayat Union,
Pattukottai Taluk,
Thanjavur District.

9.Venkatachalam,
The Chief Election Officer,
Madukur Panchayat Union,
Pattukottai Taluk,
Thanjavur District.

10.The Joint Director,
Central Bureau of Investigation,
Sastri Bhavan,
Chennai.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration to declare the election process for the Councillor Post of the 10th Ward of Madukkur Panchayat Union, Madurapasaniyapuram Panchayat, Pattukkottai Taluk, Thanjavur District, as null and void and consequently, direct the respondents to conduct re-election for the Councillor Post of Ward No.10, Madukkur Panchayat Union, Thanjavur District, in a transparent manner, after permit the petitioner to contest in the post of Councillor for Ward No.10 of Madukkur Panchayat Union, Madurapasaniyapuram Panchayat, Pattukkottai Taluk, Thanjavur District, in accordance with law within the time stipulated by this Court.

For Petitioner	: Mr.R.Alagumani
For Respondents	: Mr.K.Chellapandian
	Additional Advocate General
	assisted by
	Mr.VR.Shanmuganathan
	Special Government Pleader for
	R.1, R.3 to R.7
	Mr.Raja Karthikeyan for R.2

ORDER

[Order of the Court was made by **M.DURAISWAMY, J.**]

The petitioner has filed the above writ petition seeking to issue a Writ of Declaration to declare the election process for the Councillor Post of the 10th Ward of Madukkur Panchayat Union, Madurapasaniyapuram Panchayat, Pattukkottai Taluk, Thanjavur District, as null and void and consequently, direct the respondents to conduct re-election for the Councillor Post of Ward No.10, Madukkur Panchayat Union, Thanjavur District, in a transparent manner, after permitting the petitioner to contest in the post of Councillor for Ward No.10 of Madukkur Panchayat Union,



Madurapasaniyapuram Panchayat, Pattukkottai Taluk, Thanjavur District, in accordance with law within a time frame.

2. It is the case of the petitioner that he submitted his nomination for the post of Councillor for Ward No.10, Madukkur Panchayat Union, Thanjavur District and that his nomination was wrongfully withdrawn by some unknown persons fabricating his signature.

3. However, Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents 1 and 3 to 7 submitted that the petitioner himself has given a withdrawal letter and therefore, there is no *mala fide* in the same.

4. In any event, the issue pertaining to the withdrawal of the nomination by the petitioner is a matter for evidence which cannot be decided in this writ petition. The petitioner has got a remedy by way of Election Petition under Section 258 of the Tamil Nadu Panchayats Act, 1994.

5. Mr.R.Alagumani, learned Counsel for the petitioner submitted that though the petitioner has given various representations, the authorities have not considered the same yet.

6. The learned Additional Advocate General appearing for the respondents 1 and 3 to 7 submitted that the fourth respondent would consider the petitioner's representations dated 26.12.2019 and 01.01.2020 and pass appropriate orders within a period of four weeks.

7. Having regard to the submissions made on either side, we direct the fourth respondent to consider the petitioner's representations dated 26.12.2019 and 01.01.2020 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner and communicate the decision to the petitioner.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



rsb

To

1.The Chief Electoral Officer,
Public (Elections) Department,
State of Tamil Nadu,
Fort St. George,
Secretariat, Chennai - 600 009.

2.The Tamil Nadu State Election Commissioner,
Tamil Nadu State Election Commission,
Arumbakkam, Chennai.

3.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai, Chennai.

4.The District Collector / The District Election Officer,
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5.The Superintendent of Police,
Office of the Superintendent of Police,
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Office of the Assistant Election Officer,
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Thanjavur District.

7.The Assistant Inspector of Elections,
Madukur Panchayat Union, Pattukottai Taluk,
Thanjavur District.

8.The Joint Director,
Central Bureau of Investigation, Sastri Bhavan,
Chennai.

+1 CC to MR.R.ALAGUMANI, Advocate (SR-620[F] dated 07/01/2020)

+1 CC to SPL.GP (SR-986[F] dated 09/01/2020)

+1 CC to MR.RAJA.KARTHIKEYAN, Advocate (SR-932[F] dated
08/01/2020)

W.P(MD)No.52 of 2020

and

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