



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and**

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P. (MD) No.1772 of 2020

and

W.M.P. (MD) Nos.1493 & 1495 of 2020

K.Sangeetha

... Petitioner

-VS-

1.The Tamil Nadu State Election Commission
Represented by the State Election Commissioner
Chennai

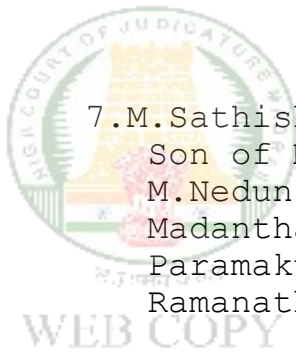
2.The District Collector
Ramanathapuram District

3.The Block Development Officer
(Block Panchayat) cum
Returning Officer
Village Panchayat Elections
Paramakudi Panchayat Union
Ramanathapuram District

4.The Deputy Block Development Officer-cum-
Assistant Returning Officer
Madanthai Panchayat
Paramakudi Taluk
Ramanathapuram District

5.K.Jeyaraman
The Deputy Block Development Officer-cum-
Assistant Returning Officer
Madanthai Panchayat
Paramakudi Taluk
Ramanathapuram District

6.N.Balasubramanian
Son of Nallal
President
Madanthai Panchayat
Paramakudi Panchayat Union
Ramanathapuram District.



7.M.Sathishkumar
Son of Muthuraman
M.Nedunkulam
Madanthai Panchayat
Paramakudi Panchayat Union
Ramanathapuram District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned election notification dated 22.01.2020 issued by the third respondent proposing to conduct election for the post of Vice-President of Madanthai Village Panchayat on 30.01.2020 and quash the same.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.Raja Karthikeyan
Standing Counsel for R1

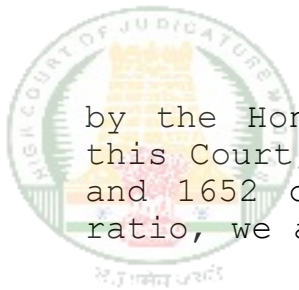
Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.V.R.Shanmuganathan
Special Government Pleader for R2 to R4

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 certiorari calling for the records pertaining to the impugned election notification, dated 22.01.2020, issued by the third respondent proposing to conduct election for the post of Vice-President of Madanthai Village Panchayat, on 30.01.2020 and to quash the same.

2. In the Judgments in ***N.P.Ponnuswami v. Returning Officer, Namakkal Constituency, Namakkal, Salem District and 4 others***, reported in AIR 1952 SC 64; ***Mohinder Singh Gill v. Chief Election Commissioner***, reported in AIR 1978 SC 851; ***Boddula Krishnaiah v. State Election Commissioner, A.P.***, reported in AIR 1996 Supreme Court 1595; ***B.Pazhaniswamy v. The Tamil Nadu Chief Election Commissioner***, reported in (1997) 1 MLJ 612; ***Avtar Singh Hit v. Delhi Sikh Gurdwara Management Committee and others***, reported in (2006) 8 Supreme Court Cases 487 and in an unreported Judgment in the case of ***West Bengal State Election Commission and others v. Communist Party of India (Marxist) and others*** [Civil Appeal Nos.8515-8516 of 2018, decided on 24.08.2018], the Honourable Apex Court as well as the Division Bench of this Court, have held that once the election process had commenced by issuing a notification, the same cannot be interfered with by this Court. Following the said ratio laid down



by the Honourable Supreme Court as well as the Division Bench of this Court, we have dismissed the writ petitions in W.P.(MD) Nos.905 and 1652 of 2020, by order dated 28.01.2020. Following the same ratio, we are not inclined to entertain the present writ petition.

3. At this juncture, the learned counsel appearing for the petitioner relied upon a letter alleged to have been by the fifth respondent stating that the petitioner has secured four votes and the seventh respondent has secured three votes.

4. However, the learned Special Government Pleader appearing for the respondents 2 to 4, on instructions from the fifth respondent, who is also present in the Court, submitted that the said document annexed in the typed set of papers at Page No.3 is a fabricated document and to that effect, the fifth respondent has also filed an affidavit, dated 29.01.2020, before this Court and the same is also taken on record.

5. However, the genuineness of the document annexed at Page No.3 of the typed set of papers is a matter of evidence, which cannot be decided in the writ jurisdiction. However, it is open to the petitioner to raise this issue, after completion of the re-election scheduled to be held tomorrow (i.e.30.01.2020), by way of election petition.

6. It is open to the petitioner as well as the fifth respondent to initiate proceedings as against each of them in accordance with law.

7. With these observations, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

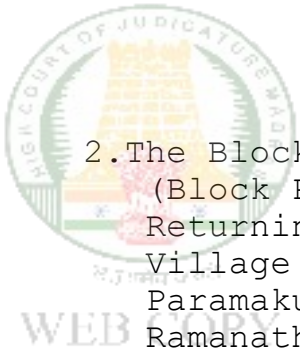
/ /2020

Sub Assistant Registrar(CS)

krk

To:

1.The District Collector,
Ramanathapuram District.



2.The Block Development Officer
(Block Panchayat)-cum-
Returning Officer,
Village Panchayat Elections,
Paramakudi Panchayat Union,
Ramanathapuram District.

3.The Deputy Block Development Officer-cum-
Assistant Returning Officer,
Madanthai Panchayat,
Paramakudi Taluk,
Ramanathapuram District.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-3981[F] dated 30/01/2020)

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-4007[F] dated
30/01/2020)

W.P. (MD) No.1772 of 2020

and

W.M.P. (MD) Nos.1493 & 1495 of 2020

29.01.2020

JMN(10.02.2020) 4P : 6C