



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

AND

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P.(MD)No.4627 of 2020

and

W.M.P.(MD)No.3984 of 2020

Chellasanguraja

: Petitioner

Vs.

- 1.The Commissioner,
Tamil Nadu State Election Commission,
Jawaharlal Nehru Road,
Koyambedu,
Chennai - 600 006.
- 2.The District Election Officer/
District Collector,
Office of the District Collector,
Sivagangai District.
- 3.The Returning Officer,
Village Panchayat President/
Councilor Election,
Thiruppuvanam,
Sivagangai District.
- 4.The Panchayat Union Commissioner/
Block Development Officer,
Thiruppuvanam Panchayat Union,
Thiruppuvanam, Sivagangai District.
- 5.Vinothini,
W/o.Ganesan,
1st Ward Councilor,
Thoothai Village Panchayat,
Thiruppuvanam Taluk,
Sivagangai District.
- 6.Shanthi,
W/o.Thiyagarajan,
6th Ward Councilor,
Thoothai Village Panchayat,
Thiruppuvanam Taluk,
Sivagangai District.



7.Kaliyammal,
W/o.Karuppanan,
7th Ward Councilor,
Thoothai Village Panchayat,
Thiruppuvanam Taluk,
Sivagangai District.

8.Sukumari,
W/o.Pathinettan,
8th Ward Councilor,
Thoothai Village Panchayat,
Thiruppuvanam Taluk,
Sivagangai District.

9.Dhanasekaran,
W/o.Muthu Sangili,
5th Ward Councilor,
Thoothai Village Panchayat,
Thiruppuvanam Taluk,
Sivagangai District.

: Respondents

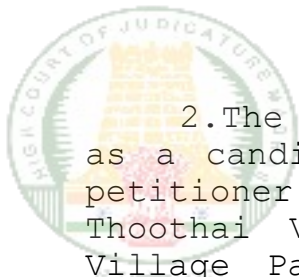
PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the first respondent herein to issue necessary direction to the fourth respondent to stall the election for the Vice President of the Thoothai Village Panchayat, Thiruppuvanam Taluk, Sivagangai District scheduled to be held on 04.03.2020, based on the petitioner's representation dated 28.02.2020 made to the first respondent herein.

For Petitioner	: Mr.K.Kannan
For Respondent 1	: Mr.Raja Karthikeyan
For Respondents	: Mr.K.Chellapandian
2 to 4	Additional Advocate General
	Assisted by Mr.V.R.Shanmuganathan,
	Special Government Pleader

ORDER

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuing a Writ of Mandamus directing the first respondent to issue necessary direction to the fourth respondent to stall the election to the post of Vice President of Thoothai Village Panchayat, Thiruppuvanam Taluk, Sivagangai District, scheduled to be held on 04.03.2020 based on the petitioner's representation dated 28.02.2020 made to the first respondent.



2.The case of the petitioner is that the petitioner contested as a candidate for Ward No.2 of Thoothai Village Panchayat. The petitioner states that he was elected as Councillor for Ward No.2, Thoothai Village Panchayat. There are nine wards in Thoothai Village Panchayat and in all the nine wards, the election was conducted and respondents 5 to 9 were elected as Councillors for Ward Nos.1, 6, 7, 8 and 5 respectively. It is stated that the election for the post of Vice President of Thoothai Village Panchayat was proposed to be conducted on two earlier occasions and that the fourth respondent could not conduct the election peacefully. It is stated that the fourth respondent is now going to conduct election on 04.03.2020. The specific allegation of the petitioner is that the 9th respondent who is also going to contest for the post of Vice President in Thoothai Village has kept the respondents 5 to 8 in captivity and detained them at his house. Stating that the whole election process is vitiated because of the criminal activity of 9th respondent, the petitioner has come before this Court by way of this Writ Petition.

3.No material is produced before this Court to prove that the respondents 5 to 8 are either kidnapped or kept in captivity by the 9th respondent. Except the *ipse dixit* of the petitioner, none of the relatives of respondents 5 to 8 have given any criminal complaint for keeping them under illegal custody or detaining them illegally. In such circumstances, this Court is unable to accept the case of the petitioner. If the election is stalled in the middle that will put the candidates in jeopardy and there will be a lot of embarrassment and hardship. If the persons who are illegally detained come to Court or give complaint, it is open to the police officials concerned or the respondents to take appropriate action. The petitioner also can file a petition challenging election. Having regard to the fact that no positive material is produced before this Court and this Court has no reason to believe the self-serving statement of the petitioner to stall the entire election, this Court is not inclined to entertain this Writ Petition. As a result, the Writ Petition is dismissed. In case, the contention of the petitioner is true and the petitioner or respondents 5 to 8 is able to make out any form of corrupt practice, it is open to them to seek appropriate remedy in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed

Sd/-

Assistant Registrar (CS-

/ True Copy /

Sub Assistant Registrar (CS-)



To

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4.The Panchayat Union Commissioner/
Block Development Officer,
Thiruppuvanam Panchayat Union,
Thiruppuvanam,
Sivagangai District.

+1 CC to M/s.K.KANNAN, Advocate (SR-10026[F] dated 04/03/2020)

+1 CC to M/s.SPL.GP (SR-10162[F] dated 05/03/2020)

JUDGMENT IN
W.P. (MD)No.4627 of 2020
and
W.M.P. (MD)No.3984 of 2020
03.03.2020

ME/SAR /18.03.2020/4P/7C