



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.19001 of 2020

D.Cella Sangu Raja

... Petitioner

Vs

1.The District Collector,
Sivagangai District, Sivagangai.

2.Tamil Nadu State Election Commission,
represented by its Principal Election Officer, (Panchayats
208/2, Jawaharlal Nehru Road,
Arumbakkam, Chennai-600 106.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representations dated 04.05.2020 and 15.05.2020 and to conduct the enquiry and dispose of the same based on the second respondent's proceedings in O.MU.NO.4658/2020/PU.P (O.P.4658/2020/PU.P) dated 05.06.2020 within a reasonable time to be fixed by this Court.

For Petitioner	: Mr.A.B.Natarajan
For R-1	: Mr.C.Ramar
	Additional Government Pleader
For R-2	: Mr.Raja Karthikeyan
	Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's representations dated 04.05.2020 and 15.05.2020 with regard to the acceptance of nomination of Danasakaran as a candidate for contesting Thoothai Gram Panchayat election on 27.12.2019.

2. Mr.C.Ramar, learned Additional Government Pleader accepts notice for the first respondent and Mr.Raja Karthikeyan, learned Standing Counsel accepts notice for the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.A.B.Natarajan learned counsel for the petitioner, Mr.C.Ramar, learned Additional Government Pleader for the first respondent and Mr.Raja Karthikeyan, learned Standing Counsel for the second respondent

4. According to the petitioner, the said Danasakaran is not eligible to participate in the election in view of various criminal cases pending against him. It is the case of the petitioner that till date, the representations given by him on 04.05.2020 and



15.05.2020, have not been considered by the respondents. In such circumstances, this Writ Petition has been filed.

5. The learned Additional Government Pleader appearing for the first respondent, on instructions, would submit that the said elections were conducted on 27.12.2019 and the results were also declared on 03.01.2020 and the Councillor, who was elected in the election, has also taken charge. Therefore, according to him, the only remedy available to the petitioner is to file an Election Petition before the Principal District Judge concerned.

6. The learned counsel for the petitioner seeks liberty to challenge the election of M.Danasakaran, as a Ward Councillor for Thoothai Gram Panchayat by filing Election Petition before the appropriate District Judge.

7. After recording the submissions of the respective counsels, this Writ Petition is disposed of. However, liberty is granted to the petitioner to challenge the election of Mr.Danasakaran, as a Ward Councillor for Thoothai Gram Panchayat, in accordance with law. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The District Collector,
Sivagangai District, Sivagangai.

+1CC to M/s.SPL GP,SR.No.27047 dated 23/12/2020.

+1CC to Mr.A.B.Natarajan,Advocate, SR.No.27115 dated 23.12.2020

W.P. (MD)No.19001 of 2020
22.12.2020

TP (CO)

KB(06.01.2021) 2P 4C