

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.NO.6057 OF 2021

B.Ramkumar Adityan

.. Petitioner

-vs-

1. The Secretary General,
Lok Sabha Secretariat,
Parliament House,
New Delhi - 110 001.
2. The Chief Election Commissioner,
O/o. Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.
3. The Chief Electoral Officer,
O/o. The Chief Electoral Officer,
St. George Fort,
Chennai - 600 009.
4. The Returning Officer-cum-Regional Additional/
Joint/Deputy Commissioner,
No.3, Chennai South Parliamentary Constituency,
South Region, Corporation of Chennai,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai - 600 020.

5. T.Sumathy

.. Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to correct name of the 5th respondent as T.Sumathy instead of T.Sumathy @ Tamilachi Thangapandian as per voter list of No.27, Sohlinganallur Legislative Assembly Constituency in all the documents, records, registers and websites within stipulated time.

For Petitioner : Mr.S.Sankar

For Respondents : Mr.Niranjan Rajagopalan
for respondent Nos.1 to 4

Ms.A.Lalitha
for respondent No.5

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

The writ petitioner canvasses the grievance that a candidate who contested the Lok Sabha election in South Chennai under the name of T.Sumathi alias Tamilachi Thangapandian should not have been permitted to contest the election under the said name.

2. In support of his contention, the petitioner refers to the voter list of No.27, Sholinganallur Legislative Assembly showing the name of the said candidate as Sumathi, whereas the nomination for the General Parliamentary Election was submitted in the name of T.Sumathy alias Tamilachi Thangapandian. On this basis, he contends that the nomination should have been rejected.

3. Mr.Niranjan Rajagopalan, learned counsel appearing on behalf of the Election Commission, on instruction, submits that the representation of the petitioner pertains to the Parliamentary election that concluded in 2019 and that any challenge thereto should have been laid within 45 days thereof as per the relevant provisions of the Representation of the People Act, 1951. Accordingly, he submits that the present writ petition is liable to be dismissed.

4. In light of the fact that the electoral process cannot be challenged at this juncture, nothing survives of this writ petition. Accordingly, W.P.No.6057 of 2021 is dismissed. Such dismissal is without prejudice to the petitioner's right to raise a challenge in respect of forthcoming elections in accordance with law. There will be no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

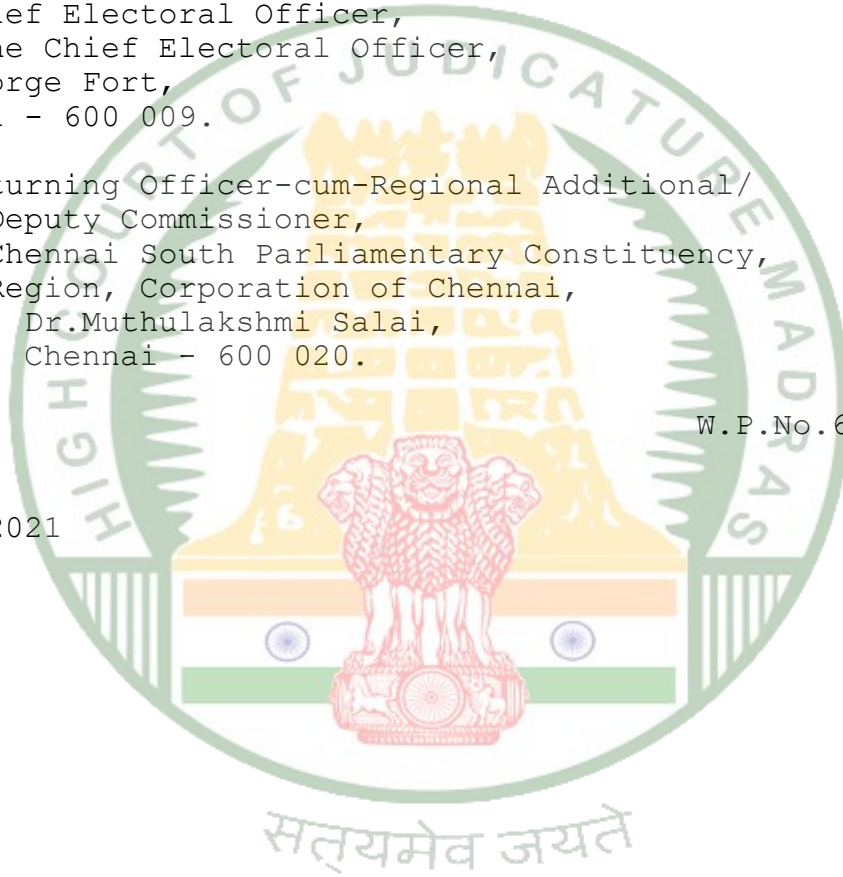
bbr

To:

1. The Secretary General,
Lok Sabha Secretariat,
Parliament House,
New Delhi - 110 001.
2. The Chief Election Commissioner,
O/o. Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.
3. The Chief Electoral Officer,
O/o. The Chief Electoral Officer,
St. George Fort,
Chennai - 600 009.
4. The Returning Officer-cum-Regional Additional/
Joint/Deputy Commissioner,
No.3, Chennai South Parliamentary Constituency,
South Region, Corporation of Chennai,
No.115, Dr.Muthulakshmi Salai,
Adayar, Chennai - 600 020.

W.P.No.6057 of 2021

RR(CO)
CS/22/03/2021



WEB COPY