

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE
AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.8024 of 2021
and W.M.P.No.8574 of 2021

M.Thiruppathy

.. Petitioner

-vs-

1. The State Chief Election Commissioner,
O/o. Chief Election Commission,
Fort St. George, Chennai 600 009.
2. The District Electoral Officer/
District Collector, Virudhunagar District.
3. The Returning Officer,
208-Tiruchuli Assembly Constituency &
Adi Dravidar and Tribal Welfare Officer,
Tiruchuli, Virudhunagar District.
4. Thangam Thenarasu
5. The Election Commission of India,
rep. by the Chief Election Commissioner,
Nirvachan Sadan, Ashoka Nagar,
New Delhi 110 001.

(Suo motu impleaded as 5th respondent
as per order dt.29.03.2021 passed in WP)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd respondent to disqualify the 4th respondent from contesting the 208-Tiruchuli Assembly Constituency Election 2021, list, Form.4, dated 20.03.2021.

For Petitioner

: Mr.S.P.Parthasarathy

For Respondents

: Mr.Niranjan Rajagopalan
for RR 1 to 3

ORDER
(Made by The Hon'ble Chief Justice)

The petitioner claims to be an independent candidate at the Tiruchuli Assembly Constituency in the forthcoming elections. The petitioner's grievance is that another particular candidate at the same constituency representing the D.M.K. party has resorted to unfair or corrupt practice in an attempt to woo voters.

2. The petitioner alleges that free gifts were distributed by the fourth respondent on March 19, 2021 at about 10 pm. The petitioner complains that the official respondents have taken no steps against the fourth respondent.

3. The Election Commission of India is added as a party to the present proceedings since such Commission is the sole authority to go into the allegations levelled by the petitioner herein. The petitioner will make a representation to the Election Commission furnishing all material available with the petitioner for the Election Commission to take a decision on the matter since it is the Election Commission alone which can address the issue.

4. W.P.No.8024 of 2021 is disposed of. There will be no order as to costs. Consequently, W.M.P.No.8574 of 2021 is closed.

5. The Registry is directed to incorporate the name of the Election Commission of India as the fifth respondent before a copy of this order issued.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sra

To

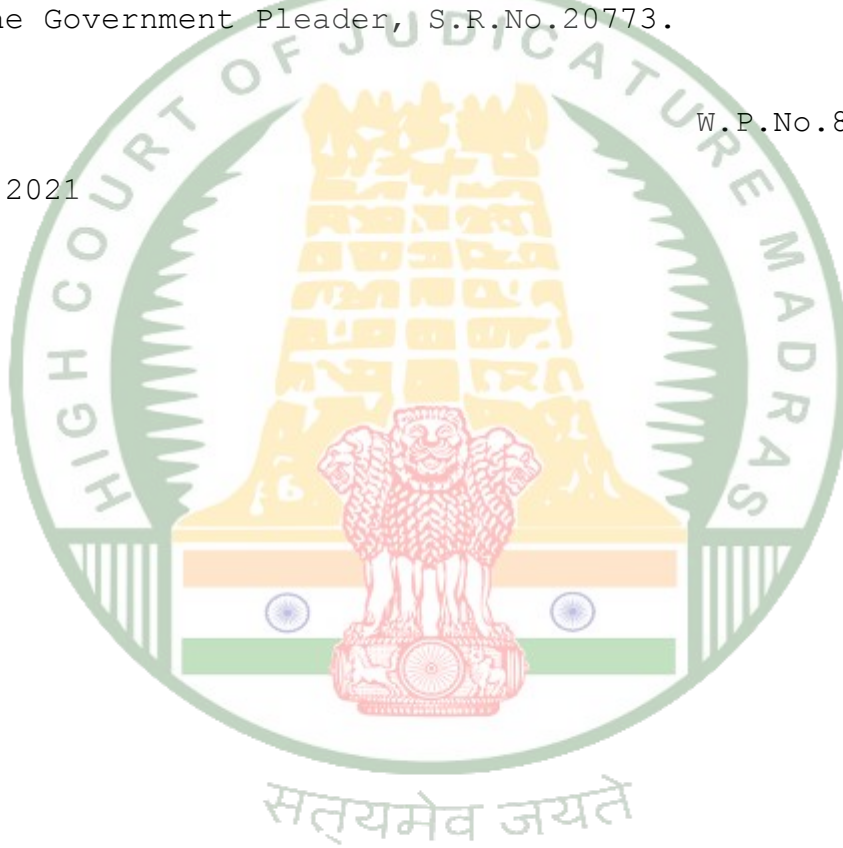
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Adi Dravidar and Tribal Welfare Officer,
Tiruchuli, Virudhunagar District.
4. The Chief Election Commissioner
Election Commission of India,
Nirvachan Sadan, Ashoka Nagar,
New Delhi 110 001.

+1cc to Mr.S.P.Parthasarathy, Advocate, S.R.No.20091.
+1cc to M/s.G.R.Assocaites, Advocate, S.R.No.20523.
+1cc to the Government Pleader, S.R.No.20773.

W.P.No.8024 of 2021

GPL (CO)
CSR 17.04.2021



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