

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.8873 of 2021

M.Gopinath

.... Petitioner

Vs

- 1 The Chief Election Commissioner,
The Election Commission of India,
New Delhi.
- 2 The Chief Election Officer,
Secretariat, Fort St. George,
Chennai.
- 3 The District Collector,
O/o.The District Collector,
Thanjavur District.
- 4 The District Election Officer,
O/o.The District Election Officer,
Thanjavur, Thanjavur District.
- 5 The Returning Officer,
No.172, Papanasam Constituency,
Thanjavur District.
- 6 K.Gopinath Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 5th respondent herein to consider the representation dated 20.3.2021 and to reject the two applications given by the 6th respondent herein to contest in No.172 Papanasam constituency Thanjavur District and disqualify the 6th respondent herein from contesting in the 172 Papanasam Constituency for the Constituency Election of the Papanasam Constituency.

For Petitioner : Mr.S.Madhusudanan

For Respondents : Mr.V.Jayaprakash Narayanan,
State Government Pleader,
for 3rd respondent

Mr.Niranjan Rajagoplana,
for respondents 1, 2, 4 and 5

ORDER

(made by the Hon'ble Chief Justice)

This is another matter where a candidate at a particular constituency complains of another candidate not having disclosed his criminal antecedents while filing his nomination papers. The allegations are against the sixth respondent herein.

2. The petitioner seeks a direction on the Election Commission to consider the petitioner's representation of March 20, 2021.

3. The last date for filing nominations has passed. The last date for withdrawal of nominations has also passed. In several matters the Election Commission has represented that the ballot papers have been printed and all steps taken to conduct the elections.

4. Since the elections are due to be conducted on April 6, 2021, it is rather late in the day to allow the petition or open up the possibility for the election to a particular constituency being countermanded.

5. W.P.No.8873 of 2021 is disposed of without going into the merits of the allegations and by leaving the writ petitioner free to challenge the result of the election at the constituency in accordance with law, if the petitioner is so advised. There will be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

TAR

To:

- 1 The Chief Election Commissioner,
The Election Commission of India,
New Delhi.
- 2 The Chief Election Officer,
Secretariat Fort St. George,
Chennai.
- 3 The District Collector,
O/o.The District Collector,
Thanjavur District.
- 4 The District Election Officer,
O/o.The District Election Officer,
Thanjavur, Thanjavur District.
- 5 The Returning Officer,
No.172, Papanasam Constituency,
Thanjavur District.

+1cc to the Government Pleader, S.R.No.21896

W.P.No.8873 of 2021

JP (CO)
TE (28/04/2021)

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