



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

WP No.21496 of 2021
and WMP Nos.22726 and 22727 of 2021

M.Prabhu

... Petitioner

-vs-

1 The Collector,
Villupuram District,
Villupuram.

2 The Tahsildar,
Kandachipuram Taluk,
Villupuram District.

3 The Election Officer,
Mugaiyur Block, Manampoondi Village,
Kandachipuram Taluk,
Villupuram District.

4 The State Election Commissioner,
06/N, Jawaharalal Nehru Rd, Jai Nagar,
Arumbakkam, Chennai- 600 106.

5 Nithiya

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the impugned List of candidates published by the 3rd respondent relating to the post of President of Melvalam Village, Kandachipuram Taluk, Villupuram District dated 25.09.2021 and quash the same insofar as the 5th respondent is concerned.



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For the Petitioner : Mr.K.M.Ramesh
For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for RR 1 and 2.
: Ms.R.Anitha,
for Mr.S.Sivashanmugam,
for RR 3 and 4.

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance of the petitioner is that despite the petitioner's objection pertaining to the candidature of the fifth respondent for the post of President of the Melvalam Village Panchayat, no credence was given to such complaint and the name of the fifth respondent was approved by the State Election Commission as a candidate and announced as such on September 25, 2021.

2. The petitioner relies on a report by the Revenue Tahsildar, Kandachipuram, dated March 24, 2017 which seeks to cast a doubt as to the validity of a caste certificate which is relied upon by the fifth respondent. A copy of the caste certificate along with a copy of the relevant report dated March 24, 2017 have been appended to the typed set.

3. The election is scheduled to be conducted on October 6, 2021. Apart from the fact that it is too late in the day for the court to entertain any complaint a day prior to the conduct of the election, it is also evident that the caste certificate that is relied upon by the fifth respondent has not been cancelled so far.

4. It is possible that a recommendation has been made for cancellation of the certificate or an inquiry has resulted in certain material being found, but, ultimately, it is the caste or community certificate which alone is the determinative factor. In the present case, the community certificate obtained by the respondent No.5 which indicates that the respondent No.5 belongs to a scheduled caste has not yet been cancelled by the appropriate District Level Committee.

5. Accordingly, no credence can be given to the petitioner's immediate complaint that the fifth respondent does not belong to the scheduled caste community or is not entitled to contest the election which has been reserved for a scheduled caste candidate.



6. WP No.21496 of 2021 is disposed of as above. However, in the event the caste certificate is cancelled by the appropriate authority in accordance with law, it will be open to the petitioner to pursue the petitioner's remedies in respect of the candidature of the fifth respondent, should the fifth respondent be elected. Since the petition has been disposed of without notice to the fifth respondent, the petitioner will be obliged to immediately forward copies of the petition and this order to such respondent.

Consequently, WMP Nos.22726 and 22727 of 2021 are closed. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

sra

To:

- 1 The Collector,
Villupuram District,
Villupuram.
- 2 The Tahsildar,
Kandachipuram Taluk,
Villupuram District.
- 3 The Election Officer,
Mugaiyur Block, Manampoondi Village,
Kandachipuram Taluk,
Villupuram District.
- 4 The State Election Commissioner,
06/N, Jawaharalal Nehru Rd, Jai Nagar,
Arumbakkam, Chennai- 600 106.

+1cc to Mr.K.M.Ramesh, Advocate SR.No.52107

+1cc to Government Pleader SR.No.52058

WP No.21496 of 2021

BS (CO)
GMY (11/10/2021)