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In the High Court of Judicature at Madras

Dated : 06.10.2021

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mr.Justice SATHI KUMAR SUKUMARA KURUP

Writ Petition No.21688 of 2021 and WMP No.22863 of 2021

Mr.G.Sathiyaseelan

...Petitioner

Vs

1.Tamil Nadu State Election Commission,
Rep. by its Election Commissioner,
No.208/2, Jawaharlal Nehru Salai,
Opp. to C.M.B.T, Arumbakkam,
Chennai-106.

2.The District Collector, O/o. The District
Collectorate of Ranipet, Ranipet District.

3.The Election Officer (Election),
Special Tahsildar(Election),
Office of the District Collector,
Ranipet-631 401.

4.The Election Officer,
BDO Office, Sholingur,
Ranipet-631 102.

5.Mr.A.K.Premnath

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the
respondents 1 to 4 herein to reject the candidature of
Mr.Premnath the 5th respondent herein for the election to be
held on 09.10.2021 for the post of President of Pulivalam
Panchayat in Sholingur Panchayat Union, Ranipet District.



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For Petitioner : Mr.T.N.Rajagopalan

For Respondent-2 : Mr.P.Muthukumar, GP

For Respondents 1, 3 & 4: Ms.R.Anitha for
Mr.Siva Shanmugam

Order of the Court was made by T.S.SIVAGNANAM, J

We have heard Mr.T.N.Rajagopalan, learned counsel appearing for the petitioner, Mr.P.Muthukumar, learned Government Pleader accepting notice for the second respondent and Ms.R.Anitha, learned counsel appearing on behalf of Mr.S.Siva Shanmugam, learned Standing Counsel for respondents 1, 3 and 4. In the view of the nature of relief this Court proposes to grant, the writ petition itself is taken up for final disposal without ordering notice to the fifth respondent.

2. The petitioner, by way of this writ petition, seeks a direction to respondents 1 to 4 to reject the candidature of the fifth respondent for the election proposed to be held on 09.10.2021 for the post of president of Pulivalam Panchayat, Sholingur Panchayat Union, Ranipet District.

3. Admittedly, the election notification has been issued, nomination has been called for, scrutiny was over and the list of eligible candidates has also been published. The election is to take place on 09.10.2021. At this juncture, the prayer sought for cannot be granted. After the election is over, if the petitioner has got any grievance, it is always open to him to approach the appropriate forum for necessary relief.

4. The learned counsel for the petitioner submits that the petitioner is not a voter in the panchayat and therefore, he will not be able to maintain an election petition challenging the candidature of the fifth respondent if he happens to get elected.

5. So far as the remedy, which will be available to the petitioner is concerned, we are not here to advise the petitioner as to how he has to proceed. The settled legal principle is that Writ Court shall not interdict the election



process after the process has begun. Therefore, at this stage, the writ petition cannot be entertained.

6. Accordingly, the above writ petition is dismissed. However, it is always open to the petitioner to work out his rights in a manner known to law. No costs. Consequently, the connected WMP is also dismissed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

RS

To

1.The Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Salai, Opp. to C.M.B.T,
Arumbakkam, Chennai-106.

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O/o. The District Collectorate of Ranipet,
Ranipet District.

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4.The Election Officer,
BDO Office, Sholingur,
Ranipet-631 102.

+1cc to Mr.T.N.Rajagopalan, Advocate, S.R.No.52249

+1cc to the Government Pleader, S.R.No.52321

WP.No.21688 of 2021

PM(CO)
SB(18/10/2021)