



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.25276 of 2021

V.Valliammal

... Appellant

-vs-

Block Development Officer/Election Officer,
Local Panchayat Election,
Panruti Panchayat Union,
Sriperumbudur,
Kancheepuram District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to take up and to consider the representation dated 31.10.2021 submitted by the petitioner and to issue her Success Certificate as already declared on 12.10.2021 for the post of Vice President, Panruti Panchayat Union, Sriperumbudur.

For Petitioner	:	Mr.C.Mohan Raj
For Respondent	:	Mr.P.Muthukumar, Government Pleader

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondent to consider the representation dated 31.10.2021 submitted by the petitioner and to issue her Success Certificate as already declared as Vice President, Panruti Panchayat Union, Sriperumbudur on 12.10.2021.

2. Learned Counsel appearing for the petitioner would submit that the petitioner contested for the post of Ward Council Member in Ward No.3, Panruti Village, Sriperumbudur Panchayat Union and her application dated 22.09.2021 was accepted by the Election Officer. While so, the Election was held on 09.10.2021 and the counting of votes was held on

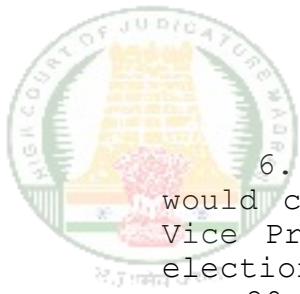


12.10.2021. It is her claim that she was declared as successful candidate. Thereafter, she has been also issued with a Certificate on the very same day evening in Na.Ka.No.1715/2021/E8 dated 12.10.2021. Subsequently, she was also given notice to attend and take charge as 3rd Ward Council Member on 20.10.2021 at Panruti Panchayat Union Office, Sriperumbudur. Accordingly, she has taken charge as a 3rd Ward Member of Panruti Village Panchayat Union.

3. Learned Counsel appearing for the petitioner would further submit that thereafter, the petitioner was served with another notice dated 22.10.2021 asking her to participate in the Vice President Election of Panruti Panchayat Union, Sriperumbudur and she has filed her nomination for the post of Vice President of Panruti Panchayat Union on 22.10.2021. Since on 22.10.2021, there was no other contestants from Panruti Panchayat, the Returning Officer after receiving her application, declared the petitioner as Vice President of Panruti Panchayat. But now the grievance of the petitioner is that thereafter, she has not issued a Success Certificate. In this regard, though she has given a representation dated 31.10.2021 to the respondent, there was no response from him till date. Therefore, she has approached this Court by filing the present Writ Petition.

4. Concluding his arguments, learned Counsel for the petitioner would also submit that when there was no other candidate to contest for the post of Vice President, the petitioner was elected and declared as Vice President of Panruti Panchayat. Therefore, her representation dated 31.10.2021 has to be considered by issuing a Success Certificate.

5. Mr.P.Muthukumar, learned Government Pleader, who takes notice for the respondent, after taking instructions, would submit that the petitioner has rushed to this Court without any valid justification. When she herself said to have given a representation dated 31.10.2021 to the respondent, before the said representation was taken up to answer the query raised therein, she ought not to have come to this Court. The reason being that when there was no quorum for holding election for the post of Vice President, Panruti Panchayat, the said Panchayat Board passed a Resolution dated 22.10.2021 in which it was stated that due to want of quorum, the election has been postponed. He would further submit that the argument advanced by the learned Counsel for the petitioner that the petitioner was the only contestant for the post of Vice President for Panruti Panchayat is far from acceptance because yet another candidate by name K.Gopal has also contested and in view of want of quorum, the election has been cancelled and fresh election was ordered.



6. A perusal of the Resolution of Panruti Panchayat Board would clearly show that due to want of quorum for electing the Vice President, the election itself has been cancelled and the election for the post of Vice President is scheduled to be held on 29.11.2021. It would also show that apart from the petitioner, one Mr.K.Gopal has also contested for the said post of Vice President. Therefore, we find no merit on the submissions of the learned Counsel for the petitioner.

7. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

Block Development Officer/Election Officer,
Local Panchayat Election,
Panruti Panchayat Union,
Sriperumbudur,
Kancheepuram District.

W.P.No.25276/2021

JPL (CO)
PR (09/12/2021)