



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.3734 of 2020

V.Devaraj ... Petitioner
-vs-

- 1.The Chief Electoral Officer
Public (Election) Department
Fort St.George, Secretariat
Chennai-9
- 2.The Secretary
Tamilnadu State Election Commission
208/2, Jawaharlal Nehru Road
Opp.to Koyambedu Bus Stand
Arumpakkam, Chennai-600 106
- 3.The District Electoral Officer (Panchayat)
The District Collector, Thoothukudi District
Thoothukudi-628 002
- 4.The District Electoral Officer (General)
The District Collector, Thoothukudi District
Thoothukudi-628 002
- 5.The Revenue Divisional Officer
Kovilpatti Revenue Division
Kovilpatti, Thoothukudi-Dt
PIN-628 501
- 6.The Assistant Electoral Officer / Tahsildar
Vilathikulam Taluk Office, Thoothukudi District
Thoothukudi-628 907 ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the fourth respondent to act on third respondent's communication in Letter Na.Ka.No.Va/10/6164/2019, dated 16.05.2019 within a stipulated time fixed by this Court.



WEB COPY

W.P.(MD) No.3734 of 2020

For Petitioner : Mr.C.Masilamani
For Respondents : Mr.K.K.Senthil
Standing Counsel for R1
Mr.Raja Karthikeyan
Standing Counsel for R2
Mr.K.P.Krishnadass
Special Government Pleader for R3 to R6

O R D E R

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

The petitioner seeks for a writ of mandamus directing the fourth respondent to act as per the directions issued by the the third respondent, dated 16.05.2019.

2. The above direction is by forwarding the petitioner's representation for appropriate action, wherein, there is a request made by him on behalf of the public to have a Polling Booth in Kannakattai Village, Ettayapuram Taluk, Thoothukudi District. The communication has been forwarded to the Authorities concerned and ultimately, a decision has to be taken by the respondents 1 and 2.

3. Since location of Polling Booths is also a part of delimitation exercise, Court will not be justified in issuing any direction in a writ petition under Article 226 of the Constitution of India. But, however, if the grievance of the petitioner, which is being projected on behalf of the general public of the Village, is found to be genuine and feasible, it is well open to the Authority concerned to take a decision in the matter. Accordingly, while declining to issue any positive direction, the writ petition is disposed of with a direction to the petitioner to pursue his case by giving a fresh representation to the respondents 1 and 2, who shall consider the same on merits and in accordance with law, within a reasonable time. No costs.

Sd/-

Assistant Registrar (Records)

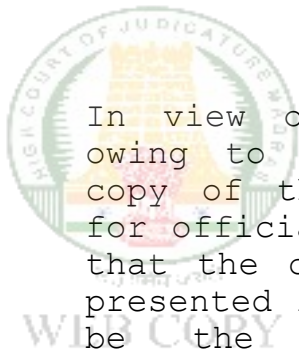
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/ /2021

Sub Assistant Registrar(CS)

Note :

<https://hcservices.ecourts.gov.in/hcservices/>



In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.
krk

To:

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 - 5.The Assistant Electoral Officer / Tahsildar,
Vilathikulam Taluk Office,
Thoothukudi District,
Thoothukudi-628 907.
- +1 CC to M/s.SPL GP (SR-16271[F] dated 17/04/2021)

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RK(11.05.2021) 3P 7C