



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) No.19701 of 2020

WEB COPY

J.Manoharan

: Petitioner

Vs.

- 1.The State Election Commission of Tamil Nadu,
Rep. by the State Election Commissioner,
No.208/2, Jawaharlal Nehru Street, Arumbakkam, Chennai.
- 2.The District Election Officer cum District Collector,
Sivagangai District, Sivagangai.
- 3.The District Collector,
Pudukkottai District, Pudukkottai.
- 4.The Election Officer / Block Development Officer,
Ilayangudi, Sivagangai District.
- 5.The Tahsildar,
Manamelkudi Taluk, Pudukkottai District.
- 6.Nithya

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to conduct enquiry relating to the Election of the 6th respondent in the Panchayat Election conducted for the Sooranam Panchayat coming under the category of special consistency earmarked for SC community on 27.12.2019 by the 4th respondent in the light of the communications of the 1st and 2nd respondents dated 05.06.2020, 21.09.2020 and 03.10.2020 based on the representations of the petitioner, particularly, the representation dated 08.11.2020, submitted for declaration of the Election of the 6th respondent for the petitioner's Panchayat in the Panchayat Election held on 27.12.2019 as null and void based on the production of false and forged community certificate by her portraying that she belong to Puthiraivannan Community, within a stipulated time frame.

For Petitioner	:	Mr.B.Prahalad Ravi
For Respondents	:	Mrs.J.Padmavathi Devi, Special Government Pleader for R.1 to R.5



ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

The petitioner has come forward to file this writ petition seeking a direction to the official respondents to conduct an enquiry with respect to the selection of the sixth respondent for the panchayat election conducted for the Sooranam Panchayat meant for SC category.

2. The learned Counsel for the petitioner submitted that though the petitioner sought for a larger prayer, it would suffice if the third respondent is directed to complete the enquiry as sought for by the second respondent. It is further submitted that a further communication was also sent by the second respondent to the fourth respondent by proceedings dated 14.10.2020. The learned Counsel has also brought to the notice of this Court that the petitioner made another representation on 08.11.2020 in this regard.

3. The learned Special Government Pleader appearing for the official respondents submitted that the revenue authorities are considering the issue of genuineness of the community certificate of the sixth respondent. However, the question of declaring the election as null and void would not arise, unless a challenge is made to the District Court in accordance with the provisions of the Tamil Nadu Panchayat Act.

4. Since we are not passing any positive order, there is no need to hear the sixth respondent.

5. While finding force in the submission made by the learned Special Government Pleader, we take note of the fact that communications were, indeed, sent by the second respondent to the third respondent. The representation of the petitioner made subsequently is also pending consideration. In such view of the matter, we call upon the third respondent to conclude the enquiry as sought for by the second respondent with respect to the community of the sixth respondent, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the parties.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

- 1.The State Election Commissioner,
State Election Commission of Tamil Nadu,
No.208/2, Jawaharlal Nehru Street,
Arumbakkam, Chennai.
- 2.The District Election Officer cum District Collector,
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Sivagangai.
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Pudukkottai.
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- 5.The Tahsildar,
Manamelkudi Taluk,
Pudukkottai District.

+1 CC to M/s.GP (SR-121[F] dated 05/01/2021)

W.P. (MD) No.19701 of 2020
04.01.2021

(MK) CO

AP(19/01/2021) 3P 7C