



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.18941 of 2021

and

W.M.P. (MD) .No.15758 of 2021

Cella Sangu Raja

... Petitioner

Vs.

1.The Principal Election Officer, (Panchayats),
Tamil Nadu State Election Commission,
208/2, Jawaharlal Nehru Road,
Arumbakkam,
Chennai - 600 106.

2.The District Election Commissioner and
The District Collector,
Sivagangai District.

3.The Election Officer and
Block Development Officer,
Union Office, Thirupavanam,
Sivagangai District.

4.Dhanasekaran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the third respondent not to allow the fourth respondent to contest in the Election conducted for Vice President in Thoothai Panchayat, Sivagangai District and to take action against him who had been elected as ward councilor without following the procedure established by law and dispose of the representation dated 11.10.2021 within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner	:	Mr.M.Pandiyan
For R-1	:	Mr.B.Saravanan
For R-2 and R-3	:	Mr.K.S.Selva Ganesan,
		Counsel for State
R4	:	No Appearance



ORDER

The petitioner seeks to prevent the fourth respondent from contesting the election for the post of Vice President in the Thoothai Panchayat, Sivagangai District.

2. The petitioner alleges that the fourth respondent did not disclose his criminal antecedents. Consequently, it is stated that the election of the fourth respondent as a ward member is liable to be set aside. Pursuant to the liberty granted in the order dated 22.12.2020 in W.P.(MD).No.19001 of 2020, the petitioner has filed an Election Petition, which is said to be pending.

3. Meanwhile, the present Writ Petition is filed in view of the subsequent election for the post of Vice President.

4. Mr.B.Saravanan, learned counsel, accepts notice on behalf of the first respondent and Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of the second and third respondents. On instructions, Mr.K.S.Selva Ganesan submits that the election was concluded today and that the fourth respondent was elected as Vice President.

5. Once the election process commences, ordinarily, such process is not interdicted. In the case at hand, an Election Petition with regard to the election of the fourth respondent as a ward member is already pending before the jurisdictional civil court. If the petitioner is of the view that the present Writ Petition is based on a distinct cause of action, it is open to the petitioner to assail the present election by way of a separate Election Petition. However, the petitioner has failed to make out a case to exercise discretionary jurisdiction to interfere with the electoral process at this juncture.

6. For reasons set out above, W.P.(MD).No.18941 of 2021 is disposed of by leaving it open to the petitioner to institute an Election Petition before the jurisdictional civil court. Consequently, W.M.P.(MD).No.15758 of 2021 stands closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr



Note : 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.

To

1.The Principal Election Officer, (Panchayats),
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2.The District Election Commissioner and
The District Collector,
Sivagangai District.

3.The Election Officer and
Block Development Officer,
Union Office, Thirupavanam,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-32382[F] dated 25/10/2021)

+1 CC to M/s.B.SARAVANAN, Advocate (SR-32425[F] dated 25/10/2021)

W.P (MD) No.18941 of 2021
22.10.2021

NSN(CO)
KB(10.11.2021) 3P 6C