



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM:

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NOS.2337, 2339 TO 2341 OF 2022

AND

W.M.P.NOS.2498 TO 2501 OF 2022

M.Prabhu

... Petitioner in
W.P.No.2337 of 2022

M.Shanthi

... Petitioner in
W.P.No.2339 of 2022

P.Kanchana

... Petitioner in
W.P.No.2340 of 2022

M.Kala

... Petitioner in
W.P.No.2341 of 2022

.Vs.

1. The Tamil Nadu State Election Commission,
Represented by the Election Commissioner,
Jawaharlal Nehru Road, Arumbakkam,
Chennai.
2. The Commissioner/Chief Electoral Officer,
Erode Corporation, Erode.
3. The Returning Officer,
Erode Corporation, Erode.

... Respondents

PRAYER:-

Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the order of rejection dated 05.02.2022 by the third respondent and quash the same and consequentially direct the third respondent to accept the nomination of the petitioners and permit to contest the election.



WEB COPY

For the Petitioners : Mr.K.S.Jeyaganeshan

For the Respondents : Mr.S.Sivashanmugham
Standing Counsel
For R-1

Mr.Silambannan
Additional Advocate General
Assisted by
Mr.M.Rajamathivanan
For RR - 2 and 3

COMMON ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

By these writ petitions, a challenge is made to the orders dated 05.02.2022 passed by the third respondent rejecting the nominations submitted by the petitioners for contesting in the ensuing local body election to be held on 19.02.2022.

2. The learned counsel for the petitioners could not clarify as to the jurisdiction of this Court to cause interference in the process of election and otherwise challenge to the election is barred especially by Article 243ZG of the Constitution of India. Any matter pertaining to the election can be challenged only by way of election petition and thereby, the subject matter raised by the petitioners cannot be taken up going against the constitutional bar on the jurisdiction and otherwise, catena of judgments of the Supreme Court not to cause interference in the process of election after issuance of notification. We are unable to accept the issue raised by the petitioners.

The writ petitions are, accordingly, dismissed. However, it will not foreclose the right of the parties to challenge the election by applying the procedures given under the statutory provisions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra



To

1. The Election Commissioner,
The Tamil Nadu State Election Commission,
Jawaharlal Nehru Road, Arumbakkam,
Chennai.

2. The Commissioner/Chief Electoral Officer,
Erode Corporation,
Erode.

3. The Returning Officer,
Erode Corporation,
Erode.

+1cc to Mr.M.Rajamathivanan, Advocate, S.R.No.8580
+1cc to the Government Pleader, S.R.No.8634

W.P.NOS.2337, 2339, 2340
AND 2341 OF 2022

SSI (CO)
PBS/15/02/2022