



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.No.2419 of 2022

and

W.M.P.No.2591 and 2592 of 2022

D.Muralidharan

.. Petitioner

vs

1. Thanjavur Corporation rep by its
Commissioner, Thanjavur.
2. The Election Officer,
Thanjavur Corporation, Thanjavur.
3. The Assistant Election Officer-II,
Thanjavur.
4. The Tamil Nadu State Election Commission,
Rep by its Secretary,
No.208/2, Jawaharlal Nehru Salai,
Arumbakkam, Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent relating to the rejection of petitioner's nomination by the 3rd respondent herein by his proceedings dated 05.02.2022 and quash the same and direct the respondents to include the name of the petitioner as one of the candidates for the post of Councillor in Ward No.19 pursuant to the petitioner's nomination submitted on 29.01.2022 for the said election and permit the petitioner to contest the election for the said post.



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For the Petitioner

: Mr.AR.L.Sundaresan
Senior Counsel for
Ms.AL.Gandhimathi

For the Respondents

: Mr.R.Shunmigasundaram
Advocate General
assisted by Mr.P.Muthukumar,
State Govt. Pleader,
for RR-1 to 3

: Mr.S.Sivashanmugham
Stdg. Counsel for R-4

ORDER

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

By this writ petition, a challenge is made to the order dated 05.02.2022 passed by the third respondent rejecting the nomination submitted by the petitioner for contesting in the ensuing local body election to be held on 19.02.2022.

2. The learned senior counsel for the petitioner 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 petitioner 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 petitioner.

The writ petition is, accordingly, dismissed. However, it will not foreclose the right of the petitioner to challenge the election by invoking the statutory provisions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



sra

To:

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1. The Commisisoner,
Thanjavur Corporation, Thanjavur.
2. The Election Officer,
Thanjavur Corporation, Thanjavur.
3. The Assistant Election Officer-II,
Thanjavur.
4. The Secretary,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Salai,
Arumbakkam, Chennai.

+2ccs to Ms.AL.Gandhimathi, Advocate, S.R.No.8296,8709

W.P.No.2419 of 2022

SPD[co]

NSK 14/02/2022