



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.2724 and 2728 of 2022

A.Radhika ..Petitioner in W.P.No.2724 of 2022

R.Anbuchehiyan ..Petitioner in W.P.No.2728 of 2022

Vs.

1. The Tamil Nadu State Election Commission
No.208/2. Jawaharlal Nehru Salai
Arumbakkam, Chennai-106.
2. The Secretary
The Tamil Nadu State Election Commission
No.208/2. Jawaharlal Nehru Salai
Arumbakkam, Chennai-106.
3. The District Collector
Office of the District Collector
First floor, Collectorate
Thiruvallur - 602 001.
4. The Election Officer/ Returning Officer/Commissioner
Thirunindravoor Municipality
Thiruvallur District.

..Respondents in both WPs.

Prayer: Petitions filed under Article 226 of the Constitution of India, praying for a writ of Certiorarified Mandamus to call for the records of the 4th respondent in respect of impugned order dated 07.02.2022 bearing letter Na.Ka.No.405-1 and quash the same and thereby consequentially direct the 1st, 2nd and 4th respondents to permit the petitioner to contest in the elections to be held on 19.02.2022 conducted by the 1st respondent in Ward Nos.15 & 14 respectively, Thirunindravur Municipality, Avadi Taluk, Thiruvallur District.



WEB COPY

For the Petitioners : Mr.A.Palaniappan

For the Respondents : Mr.S.SivaShanmugam
Standing Counsel
for Respondents 1 and 2.

Mr.P.Muthukumar
State Government Pleader
for respondents 3 and 4.

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 07.02.2022 passed by the third respondent rejecting the nominations filed 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.

3. 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. There will be no order as to costs. Consequently, W.M.P.Nos.2888, 2889, 2891 and 2893 of 2022 are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kpl/drm



To:

1. The Tamil Nadu State Election Commission,
No.208/2. Jawaharlal Nehru Salai,
Arumbakkam,
Chennai-106.

2. The Secretary
The Tamil Nadu State Election Commission,
No.208/2. Jawaharlal Nehru Salai,
Arumbakkam, Chennai-106.

3. The District Collector,
Office of the District Collector,
First floor, Collectorate,
Thiruvallur - 602 001.

4. The Election Officer/ Returning Officer
/ Commissioner,
Thirunindravoor Municipality,
Thiruvallur District.

+2ccs to Mr.A.Palaniappan, Advocate SR. Nos.8848, 8847
+1cc to Government Pleader SR. Nos.8970, 8969

W.P.Nos.2724 and 2728 of 2022

KSM (CO)
PR (18/02/2022)