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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.2.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2944 of 2022 &
WMP.Nos.3092 & 3093 of 2022

D.Krishnamoorthy

.. Petitioner

vs

1. The Secretary
Tamil Nadu State Election Commission
Jawaharlal Nehru Salai
Arumbakkam, Chennai 600 106.
2. The District Collector
Erode District
Erode 638 011.
3. The Returning Officer/Executive Officer
Sivagiri Town Panchayat
Sivagiri, Erode District 638 109.
4. B.Praeepa / Pradeepa

.. Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Declaration declaring the candidature of B.Praeepa, in Form No.6 in Ward No.1 at Sivagiri Town Panchayat, Erode District dated 05.02.2022 issued by the third respondent as null and void.

For the Petitioner : Mr.K.Karthikeyan

For the Respondents : Mr.S.Sivashanmugam
Standing Counsel for R1

Mr.R.Shunmugasundaram
Advocate General
Assisted by
Mr.P.Muthukumar,
State Government Pleader
for R2 & R3



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ORDER

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

By this writ petition, a challenge is made to the action of the Returning Officer for non consideration of the objections raised by the petitioner about the nomination filed by the fourth respondent.

2. It is stated that despite objections, no order has been passed by the Returning Officer on the objections sent by the petitioner, as the fourth respondent herein failed to fill up all the columns as per the provisions so as to contest the elections. Hence, the above writ petition has been filed.

3. We have carefully considered the submissions made by the learned counsel for the petitioner and perused the records.

4. The election to urban local bodies cannot be called in question by way of a writ petition. Rather, it can be by way of an election petition. As per the settled law of the State, the Court should not cause interference and pass orders during the process of election once it is notified. The election is scheduled to be held on 19.2.2022 as notified on 28.1.2022.

5. For the aforesaid reasons, the writ petition fails and is accordingly dismissed. Consequently, the connected WMPs are also dismissed. There will be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

RS

To:

1. The Secretary
Tamil Nadu State Election Commission
Jawaharlal Nehru Salai
Arumbakkam, Chennai 600 106.

2. The District Collector
Erode District
Erode 638 011.



3. The Returning Officer/Executive Officer
Sivagiri Town Panchayat
Sivagiri
Erode District 638 109.

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+1cc to the Government Pleader, S.R.No.9844

+1cc to the Government Pleader, S.R.No.10163 (14/03/2022)

W.P.No.2944 of 2022 &
WMP.Nos.3092 & 3093
of 2022

NK (CO)
SB (24/02/2022)