



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition Nos.2849 and 2852 of 2022

Mr.Sivakumar Nagarajan,
S/o Nagarajan

..Petitioner in W.P.No.2849 of 2022

Mr.Periyasamy Govindhan,
S/o Govindhan

..Petitioner in W.P.No.2852 of 2022

Vs.

1. The State Election Commissioner,
Tamil Nadu State Election Commission,
No.206/N, Jawaharlal Nehru Road,
Opp. CMBT, Arumbakkam,
Chennai-600 106.

2. The District Collector,
O/o The Collectorate,
Salem District, Salem.

..Respondents in both the Writ Petitions

Writ Petition No.2849 of 2022 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation letter dated 09.02.2022 to the first respondent and consequently direct the first respondent to follow the voters list in 11th Ward and 12th Ward as finalised and published by the first respondent in December 2021 for conducting the Urban Local Body Elections scheduled on 19.02.2022 so as to ensure fairness in the conduct of elections.

Writ Petition No.2852 of 2022 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation letter dated 09.02.2022 to the first respondent and consequently direct the first respondent to follow the voters list in 4th Ward and 5th Ward as finalised and published by the first respondent in December 2021 for conducting the Urban Local Body Elections scheduled on 19.02.2022 so as to ensure fairness in the conduct of elections.



For petitioners
in both W.Ps. : Mr.J.Pothiraj for M/s.Kaviyanathan
for M/s.Nathan and Associates

For respondents
in both W.Ps. : Mr.S.Sivashanmugam,
Standing Counsel for R-1
Mr.R.Shanmugasundaram, Advocate General
assisted by Mr.P.Muthukumar,
State Govt. Pleader for R-2

COMMON ORDER

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

The Writ Petitions have been filed for finalisation of the Voters' List for the respective wards referred to in the Writ Petitions for the Urban Local Body Elections scheduled to be held on 19.02.2022. The Notification for the Elections was issued on 27.01.2022. The representation in regard to the Voters' List was given after the Notification in one case and in the other case, no representation was given. The prayer has been made for change of the voters list and shift the voters from one ward to another ward. The Writ Petitions have not been filed by the individual voter, who may have objections for placement of their names in the Voters' List of a ward, instead of the Voters' List of another ward. The petitioners could not show their locus-standi to challenge the Voters' List on behalf of the person who did not raise any objection for publication of the Voters' List. Thus, we do not find any locus-standi in favour of the petitioners to challenge the Voters' List.

2. That apart, the process of Election has started and the Notification was also issued on 27.01.2022, followed by the last date of nomination being 04.02.2022. At this stage, the direction to change the Voters' List cannot be given, otherwise it would amount to causing interference in the process of Election and not permissible even after the Notification.

3. For both the above reasons, we do not find that the prayer made in the Writ Petitions can be granted. Accordingly, both the Writ Petitions are dismissed. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

CS



To

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No.206/N, Jawaharlal Nehru Road,
Opp. CMBT, Arumbakkam,
Chennai-600 106.

2. The District Collector,
O/o The Collectorate,
Salem District, Salem.

W.P.Nos.2849 and 2852 of 2022

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