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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.2967 of 2022

S.Kalavathi

.. Petitioner

vs

1.The Chief Election Commission
Officer, No.208/2, Jawaharlal
Nehru Salai, Arumbakkam,
Koyambedu, Chennai-106

2.The District Collector,
District Collector Office,
Namakkal District-637003.

3.The Returning Officer,
Municipal Commissioner,
Rasipuram Municipality,
Rasipuram, Namakkal District.
637408.

4.Kavitha

.. Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 to 3 to reject the nomination of the fourth respondent for participating in the election to be conducted for 15th Ward, Rasipuram Municipality, Namakkal District by considering the representation dated 05.2.2022 and for consequential orders.

For Petitioner

: Mr.Ma.P.Thangavel



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For Respondents

: Mr.S.Sivashanmugam
Standing Counsel for R1

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

ORDER

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

By this writ petition, the petitioner seeks a direction to respondents 1 to 3 to consider her representation dated 05.2.2022 to reject the nomination filed by the fourth respondent herein for the ensuing local body elections.

2. It is submitted that despite making a representation, no order has been passed by respondents 1 to 3 on the same, as the fourth respondent is not qualified to contest in the ensuing elections for the reason that she is stated to be employed as a Lecturer in Thiruvalluvar Government Arts College, Rasipuram. Further, she is alleged to have taken on lease two shops in Rasipuram Municipality. 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. There will be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



To:

1.The Chief Election Commission
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Nehru Salai, Arumbakkam,
Koyambedu, Chennai-106

2.The District Collector,
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Rasipuram Municipality,
Rasipuram, Namakkal District.637408.

+1 cc to Government Pleader Sr.NO. 9842

W.P.No.2967 of 2022

GPL (CO)

A.SK(23.02.2022)