



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3279 of 2022

and W.M.P.Nos.3409 and 3410 of 2022

S.Mouli

.. Petitioner

vs

1. Tamil Nadu State Election Commission,
Rep. by the Tamil Nadu State Election
Commissioner, No.208/2, Jawaharlal
Nehru Road, Opp. to CMBT, Arumbakkam,
Chennai 600 106.
2. District Election Officer,
Kancheepuram Collector Office,
Tiruvannamalai-Kancheepuram Road,
Thaiyar Kullam, Kanchipuram 631 501.
3. Electoral Registration Officer,
Kancheepuram City Municipal Corporation
Office, Annai Indira Gandhi Salai,
Kancheepuram 631 502.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to quash the Supplementary Electoral Rolls (Part-1 & 2) for Ward 15, Kancheepuram Corporation dated 03.02.2022 published by the 3rd respondent and consequentially direct the respondents to strictly adhere to the final electoral rolls for Ward 15, Kancheepuram Corporation published on 09.12.2021 for the local body election, 2022 which is scheduled to be held on 19th February 2022 and further ensure free and fair elections in Ward-15 of Kancheepuram Municipal Corporation by restoring the Final Electoral Rolls (Part 1 & 2) published by the respondents on 09.12.2021.



WEB COPY

For the Petitioner : Mr.K.M.Mrithun Jayan
For the Respondents : Mr.S.Sivashanmugam
Standing Counsel for R-1
: Mr.R.Shumugasundaram
Advocate General
Assisted by Mr.P.Muthukumar
State Govt. Pleader for RR 2 & 3

ORDER

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

By this writ petition, a challenge is made to the publication of electoral roll on 03.02.2022, a day before the date of nomination for the ensuing election scheduled to be held on 19.02.2022.

2. The writ petition has been filed alleging change in the electoral roll after the issuance of notification for the election ignoring that consideration to the objections can be made before the date of nomination.

3. In view of the above and as the writ petition is not otherwise maintainable once the process of election has begun by issuance of the notification dated 28.01.2022, the writ petition fails. The learned counsel for the petitioner submits that in view of the judgment of the Apex Court which permits interference in such matters even during the process of election, the writ petition can be entertained. However, the learned counsel failed to get the citation despite time given to him.

Accordingly, finding no substance in the argument being contrary to the rules as otherwise the writ petition is not maintainable, the same is dismissed. No costs. Consequently, W.M.P.Nos.3409 and 3410 of 2022 are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra



To:

1. The Tamil Nadu State Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp. to CMBT, Arumbakkam, Chennai 600 106.
2. The District Election Officer,
Kancheepuram Collector Office,
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Thaiyar Kullam, Kanchipuram 631 501.
3. The Electoral Registration Officer,
Kancheepuram City Municipal Corporation
Office, Annai Indira Gandhi Salai,
Kancheepuram 631 502.

+1cc to the Government Pleader, S.R.No.10796

+1cc to Mr.P.Srinivas, Advocate, S.R.No.10879 (07/03/2022)

W.P.No.3279 of 2022

PA (CO)
SU (28/02/2022)