



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.2.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.3534 OF 2022 &
WMP.NO.3672 OF 2022

K.Nayomi

...Petitioner

Vs

1.State Election Commission,
rep.by State Election
Commissioner, 100 Feet Road,
Koyambedu, Chennai.

2.The Election Officer-cum-
Commissioner, Avadi Corporation,
Avadi, Chennai-54.

...Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Declaration declaring the action of the second respondent in publishing the supplementary list in respect of ward No.16 of Avadi Municipal Corporation by deleting 459 votes from ward No.17 of Avadi Municipal Corporation in the electoral roll in the Avadi Municipal Corporation as illegal and arbitrary and directing the respondents to conduct the local body elections in Avadi Corporation to ward No.17 on the basis of electoral roll that existed as on 27.1.2022.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.R.Shanmugasundaram,
Advocate General for
Mr.S.Sivashamugam,
Standing Counsel for R1

Mr.P.Wilson, Senior Counsel
for Mr.P.Srinivas for R2



ORDER

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

We have heard the learned counsel appearing for the parties.

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2. By this writ petition, a challenge is made to the supplementary voters list said to have been published after the last date of nomination i.e 04.2.2022 for the local body elections scheduled to be held on 19.2.2022, for which, a Notification of election was issued on 28.1.2022.

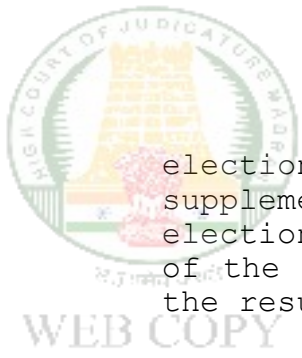
3. The learned counsel for the petitioner submits that based on the voters list operating till the time of submitting the nomination form by the petitioner, the proposer was shown to be the voter of the same ward, to which, the petitioner furnished nomination. But, he was shifted to another ward in an illegal manner and that too, after the last date of filing of nomination. Thus, a challenge to the supplementary voters list has been made.

4. The learned Senior Counsel appearing for the side opposite submits that the supplementary voters list was issued on the last date of filing of nomination and it is permissible under Section 3L(2) of the Tamil Nadu District Municipalities Act, 1920 (for short, the Act of 1920) and therefore, the allegation that the supplemental voters list was issued subsequent to the last date of nomination is not correct.

5. The learned Advocate General appearing for the State Election Commission submits that if the nomination is submitted as per the voters list operating till the time of filing of nomination, it will be accepted. The right of the petitioner is not affected if the supplementary voters list was issued after he has filed his nomination. Accordingly, a prayer is made to dismiss the writ petition.

6. We have carefully considered the submissions of the learned counsel appearing on either side and perused the records.

7. The facts involved in this writ petition are peculiar in nature inasmuch as the challenge to the supplementary voters list is made with the allegation of issuance of the same after the last date of filing of nomination. The supplementary voters list was issued on 04.2.2022 and not after the aforesaid date and is permissible as per Section 3L(2) of the Act of 1920. It is, however, a fact that before issuance of the supplementary voters list during the course of the day on 04.2.2022, the petitioner submitted his nomination form with the proposer of the ward and till such time, he was shown to be the voter of the same ward, to which, the petitioner is contesting the



elections. Thereby, while not accepting the challenge to the supplementary voters list, it is made clear that challenge to election shall not be permissible with reference to the proposer of the petitioner. It can be on any other ground and subject to the result of the election.

8. With the aforesaid, the writ petition is disposed of without causing interference to the supplementary voters list under challenge. Consequently, the connected WMP is also dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

RS

To:

- 1.State Election Commission,
rep.by State Election
Commissioner, 100 Feet Road,
Koyambedu, Chennai.
- 2.The Election Officer-cum-
Commissioner, Avadi Corporation,
Avadi, Chennai-54.

+2ccs to Mr.M.Gnanasekar, Advocate Sr.No.10599, 11387

+1cc to the Government Pleader Sr.No.11595

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SRA(CO)
RVM(01/03/2022)