



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. (MD) NO.2973 OF 2022

Pugazhendhi

... Petitioner

.Vs.

1. The State Election Commissioner,
Local Body Election,
100 Feet Road,
Opposite Koyambedu Bus Stand,
Chennai.
2. The Commissioner cum Election
Returning Officer,
Madurai Corporation,
Madurai.
3. The Assistant Election Returning Officer,
Ward No.86, Zonal No.3,
Madurai Corporation,
Madurai.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records relating to the impugned order in Na.Ka.No.M3/ARO-9/ULBE-2022, dated 07.02.2022 passed by the third respondent and quash the same as illegal and consequently directing the third respondent to restore the Original Symbol of LION as per the original publication on 07.02.2022 at about 6.15 p.m. in Form-9 cum candidate details along with symbols of Ward No.86, Madurai Corporation.

For Petitioner : Mr.R.Udhayakumar



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For Respondents : Mr.S.Sivashanmugam
Standing Counsel
For 1st Respondent

Mr.R.Shunmugasundaram
Advocate General
Assisted by
Mr.P.Muthukumar
State Government Pleader
For Respondents 2 and 3

ORDER

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

The writ petition has been filed to challenge the change of symbol earlier allotted to the petitioner by the Returning Officer.

2. Learned counsel for the petitioner submitted that upon scrutiny of the application, "LION" symbol was allotted to the petitioner, but without assigning any reason and affording an opportunity of hearing, instead of "LION" symbol, the petitioner was allotted "GLOBE" symbol. Challenging the action aforesaid, the writ petition has been filed.

3. We have considered the submission made by learned counsel for the petitioner and find that the "LION" symbol was earlier allotted to the petitioner. But, as stated by learned counsel for the State Election Commission, finding that the "LION" symbol belongs to a political party, namely, All India Forward Bloc, the Returning Officer rectified the error and immediately, the "GLOBE" symbol was allotted to the petitioner. It was for the reason that allotment letter for the symbol of "LION" was given to the petitioner by the political party concerned.

4. Inasmuch the Returning Officer was within his power to rectify the error committed in allotting a symbol that belonged to another political party to the petitioner, we do not find any merit in the writ petition. Rather, the "LION" symbol which has already been allotted to a political party cannot be used by an independent candidate.



For the foregoing reasons, finding no merit in the writ petition, the same is dismissed. No costs. Consequently, W.M.P. (MD) No.2605 of 2022 is closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The State Election Commissioner,
Local Body Election,
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Opposite Koyambedu Bus Stand,
Chennai.
2. The Commissioner cum Election Returning Officer,
Madurai Corporation,
Madurai.
3. The Assistant Election Returning Officer,
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Madurai Corporation,
Madurai.

+1cc to the Government Pleader, S.R.No.10801 (18/03/2022)

W.P. (MD) NO.2973 OF 2022

NK (CO)
PBS/24/02/2022