



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. (MD) No.3794 of 2022

R.Palaniselvi .. Petitioner

Vs.

1. The Tamil Nadu State Election Commission
Rep. by Tamil Nadu State election Commissioner
Arumbakkam, Chennai.
2. The District Collector / The District Election Officer
Madurai, Madurai District.
3. The Election Officer / Executive Officer
T.Kallupatti Municipality
Madurai District.
4. The Returning Officer and Commissioner
T.Kallupatti Municipality
Madurai District.
5. K.Subbulakshmi .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus to call for the records pertaining to the Notice passed by the respondent 3 in proceedings vide Nil, dated 22.02.2022, under Rule 30(2) and 91 of the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporations (Elections) Rules, 2006, by declaring the fifth respondent as elected candidate and quash the same as illegal and consequently to direct the second respondent to declare the petitioner as elected candidate in respect of the Ward No.10 in T.Kallupatti, Madurai District.

For the Petitioner : Mr.Sankarasubby
For Mr.Jinnah S.M.A



WEB COPY

For the Respondents

: Mr.R.Shunmugasundaram
Advocate General
Asstd. by Mr. P.Muthukumar
State Government Pleader
For Respondents 2 and 4

Mr. S.Sivashanmugam
Standing counsel
For respondent 1

No appearance for
respondent 5

ORDER

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

The prayer made in the writ petition has been granted by the State Election Commission itself with declaration of result favorable to the petitioner.

2. It was in reference to the peculiar facts where the petitioner was declared successful in the draw of lots, however, it was changed at the instance of the Returning Officer, who was placed under suspension. Therefore, this Court asked the State Election Commission to find out at whose instance the result was changed by the Returning Officer. The response has been given.

3. In view of the above, the writ petition is disposed of with a direction to the respondents to take steps against those who were involved in changing the result, after it was declared in favor of the petitioner in draw of lots. There will be no order as to costs. Consequently, WMP (MD) Nos.3302, 3304 and 3301 of 2022 are also dismissed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

kpl/drm

To:

1. The Tamil Nadu State election Commissioner
The Tamil Nadu State Election Commission
Arumbakkam, Chennai.



2. The District Collector / The District Election Officer
Madurai, Madurai District.

3. The Election Officer / Executive Officer
T.Kallupatti Municipality
Madurai District.

4. The Returning Officer and Commissioner
T.Kallupatti Municipality
Madurai District.

Copy To:

The Section Officer,
Writ Section,
Madurai Bench of Madras, High Court,
Madurai.

+1cc to the Government Pleader, S.R.No.24595

W.P(MD) .No.3794 of 2022

GPL(CO)
SB(22/04/2022)