



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.3.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5639 of 2022

&

WMP Nos.5729 & 5730 of 2022

1. T.M.Ramesh
2. V.Venugopal
3. R.Rajesh
4. J.Latha
5. V.Jayasudha
6. C.Velu
7. R.Priya
8. R.Pradeep

.. Petitioners

Vs.

1. State Election Commissioner
Tamil Nadu State Election Commission
No.206/N, Jawaharlal Nehru Road
Arumbakkam
Chennai 600 106.

2. Election Officer /
Assistant Returning Officer
Thirumazhisai Town Panchayat
Thirumazhisai
Thiruvallur.

.. Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the respondents to recount the two votes which was declared invalid and direct the second respondent to declare it as a valid votes and consequently declare the election to the post of Chairman/Vice Chairman of the Thirumazhisai Town Panchayat and consequently, direct the first respondent to take action against the second respondent for tampering with the ballot papers.



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For Petitioners	: Mr.Vijay Narayan Senior Counsel for Mr.C.Vigneswaran
For Respondents	Mr.S.Sivashanmugam : Standing Counsel for R1 Mr.R.Shunmugasundaram Advocate General Assisted by Mr.P.Muthukumar State Govt. Pleader for R2

ORDER

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

We have heard the learned counsel appearing for the respective parties.

2. By this writ petition, a direction is sought to the respondents to recount the two votes, which were declared invalid and to direct the second respondent to declare them as valid votes and consequently to declare the election to the post of Chairman/ Vice Chairman of Thirumazhisai Town Panchayat and to direct the first respondent to take action against the second respondent for tampering with the ballot papers.

3. Serious allegations on facts have been made against the second respondent. The issue aforesaid needs a finding of fact and otherwise, the election can be challenged by filing an election petition.

4. Thus, the learned counsel for the petitioners prays for withdrawal of the writ petition with liberty to avail the remedy of filing an election petition. The learned counsel for the petitioners has also made an endorsement in the bundle today to that effect. The only order sought for by the petitioners is that till the filing of the election petition and during the course of election petition, the respondents may be directed to preserve the CCTV footage.

5. As prayed, the writ petition is dismissed as withdrawn with liberty, as prayed for. It goes without saying that when, as per the orders of this Court and otherwise the circular



issued by the State Election Commission, the CCTV footage was captured, that would be preserved by the State Election Commission till the filing of election petition and if it is filed, during the pendency of the election petition. Consequently, the connected WMPs are also dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

RS

To:

1. The State Election Commissioner
Tamil Nadu State Election Commission
No.206/N, Jawaharlal Nehru Road
Arumbakkam Chennai 600 106.
2. The Election Officer /
Assistant Returning Officer
Thirumazhisai Town Panchayat
Thirumazhisai, Thiruvallur.

+1cc to the Government Pleader, S.R.No.17735

W.P.No.5639 of 2022 &
WMP Nos.5729 & 5730 of 2022

JP[co]
NSK 23/03/2022