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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5842 of 2022

&

WMP.No.5936 of 2022

J.Vanitha

.. Petitioner

Vs

1 The Chief Election Commissioner
State Election Commission
206/N Jawaharlal Nehru Road
Jai Nagar Arumbakkam
Chennai-600 106.

2 The District Collector cum District Election Officer
District Collector Office
Coimbatore District.

3 The Returning Officer
Suleeswaranpatti Town Panchayat
Pollachi South
Coimbatore District.

4 Ragini

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the Respondent No.3 to issue Form 27 Certificate dated 04.03.2022 declaring the petitioner as the Town Panchayat President of Suleeswaranpatti Town Panchayat, Coimbatore.

For the Petitioner

: Mr.AR.L.Sundaresan
Senior Counsel
assisted by Mr.C.Santhosh
for Mr.B.Mohan



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For the Respondents

: Mr.S.Sivashanmugam
Standing Counsel
for 1st respondent

: Mr.R.Shunmugasundaram
Advocate-General
assisted by
Mrs.R.Anitha
Special Govt. Pleader
and Ms.A.G.Shakeena
for respondents 2 and 3

ORDER

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

This writ petition has been filed to seek a direction on the third respondent to issue a certificate in Form 27 declaring the petitioner to have been elected as President of Suleeswaranpatti Town Panchayat, Coimbatore.

2. Learned counsel for the State Election Commission submitted that on the direction of this Court, the State Election Commission called for the CCTV footage and after watching it, they could reveal that in the counting of votes, the petitioner has secured 8 votes, while the fourth respondent has secured only 7 votes. When the result was to be declared, the father of the fourth respondent entered into the office and took away the ballot papers of the petitioner. In view of the above, initially, the result could not be declared and after watching the CCTV footage, a decision was taken to declare the petitioner as elected and, accordingly, an order was passed declaring the petitioner as elected for the post of President of Suleeswaranpatti Town Panchayat. A decision was also taken to register a case against the father of the fourth respondent.

3. Learned counsel for the fourth respondent submitted that initially it was the supporters of the petitioner who entered into the office and because something happened later, the fourth respondent could not held responsible.

4. We have considered the submissions and find that insofar as the prayer of the petitioner is concerned, now the State Election Commission, after going through the CCTV footage, has declared the result in favour of the petitioner, that the petitioner is the winning candidate for the post of the President of Suleeswaranpatti Town Panchayat. It is based on the CCTV footage showing that the petitioner has secured 8 votes



in his favour, while the fourth respondent has secured only 7 votes. Accordingly, the respondent State Election Commission is directed to issue Form-27 in favour of the petitioner.

5. Insofar as the FIR registered against the father of the fourth respondent is concerned, the police station concerned is directed to expedite the investigation, followed by submission of a final report before the jurisdictional Court and at the same time, the State Election Commission to take action against the defaulting persons, which includes even the fourth respondent for his conduct.

6. With the aforesaid, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.5936 of 2022 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Chief Election Commissioner
State Election Commission
206/N Jawaharlal Nehru Road
Jai Nagar Arumbakkam Chennai-600 106.
- 2 The District Collector cum District Election Officer
District Collector Office
Coimbatore District.
- 3 The Returning Officer
Suleeswaranpatti Town Panchayat
Pollachi South Coimbatore District.

+1cc to Mr.D.R.Arun Kumar, Advocate, S.R.No.21610
+1cc to the Government Pleader, S.R.No.21819

W.P.No.5842 of 2022

GMR[co]
NSK 06/04/2022