



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.03.2022

Coram:

WEB COPY

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. (MD) .No.5183 of 2022

1. Suseeharan
2. Sumathi
3. Arulselvam
4. Basheeral
5. Syed Rabiya Begam
6. Esakkimuthu
7. Vijaya
8. Aiyup

.. Petitioners

Vs.

1. Tamil Nadu State Election Commission,
Rep. by the State Election Commissioner,
No.208/2, Jawaharlal Nehru Road,
Opp: CMBT Arumbakkam,
Chennai-600 106.
2. The District Collector,
Thenkasi District, Thenkasi.
3. The Superintendent of Police,
Thenkasi, Thenkasi District.
4. The Executive Officer,
Atchamputhur Town Panchayat,
Tenkasi District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents herein to appoint an independent Election Officer and an Observer to conduct the meeting of the Atchamputhur Town Panchayat, Tenkasi District for electing its Vice President on 26.03.2022 with adequate Police protection and to make complete video coverage of the process of election with the help of sufficient number of CCTV Cameras and Surveillance Cameras so as to ensure a free and fair election enabling all Ward Councillors to be present in the meeting of election and cast their vote within a stipulated time as fixed by this Court by considering the petitioners' representation, dated 22.03.2022.



For petitioners: Mr.C.Iyyapparaj

For respondents: Mr.S.Sivashanmugam, Standing Counsel for R-1
Mr.R.Shanmugasundaram, Advocate General,
assisted by Mr.P.Muthukumar, State Govt. Pleader
and Ms.A.G.Shakeena for RR-2 and 4

Mr.Hasan Mohamed Jinnah, Public Prosecutor
assisted by Mr.A.Gopinath, Govt. Advocate
(Crl. Side) for R-3

ORDER

(The Order of the Court was made by The Honourable Chief Justice)

The Writ Petition has been filed seeking a direction to the respondents to appoint an independent Election Officer and Observer to conduct the meeting of the Atchanputhur Town Panchayat, Tenkasi District, for electing its Vice-President on 26.03.2022, based on the representation of the petitioner, dated 22.03.2022.

2. Serious allegations have been made against a political party and even otherwise, it includes oral allegations against the Returning Election Officer also. None has been impleaded as party-in-person to accept or deny the allegations made in the Writ Petition. The facts are stated otherwise to show that due to the event said to have taken place on the day of Election, the Returning Officer has taken steps even to lodge the FIR. Thus, it cannot be inferred that the Election Officer failed to take steps, as was required, and otherwise, it is up to the State Election Commission to nominate a Returning Officer and not for the Court to do so or issue appropriate direction, unless there is infringement of the provisions of law.

3. For all the reasons given above, we do not find any ground to accept the prayer, as it is up to the State Election Commission to take a decision to conduct the Elections with some Returning Officer or to nominate the other Returning Officer, if so necessary in their opinion. The prayer in the Writ Petition cannot be granted.



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4. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

CS

To

1. The State Election Commissioner,
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Opp: CMBT Arumbakkam,
Chennai-600 106.
2. The District Collector,
Thenkasi District,
Thenkasi.
3. The Superintendent of Police,
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Thenkasi District.
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+1cc to Government Pleader SR. No.20412

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MG (CO)

PR (01/04/2022)