



WEB COPY



W.P.No.18034 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2022

CORAM :

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

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.18034 of 2022

V.Kalaimani

... Petitioner

Vs

1.The Tamil Nadu State Chief Election Commissioner
Office of the Tamil Nadu State Chief Election
Commission No.208/2
Jawaharlal Nehru Road
Arumbakkam, Chennai 106

2.The District Collector
Chengalpattu District

3.The Block Development officer
Lathur Panchayath Union
Pavunjur Village, Cheyyur Taluk
Chengalpattu District

4.Krishnaveni Thanigachalam
Vice- Chairman Lathur Panchayath Union
Chengalpattu District

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Quo Warranto to show cause in what capacity the 4th Respondent holding her office and for subsequent removal of the 4th Respondent from the post of Member and Vice Chairman of Lathur Panchayat Union.



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For the Petitioner : Mr.G.Jayachandran
For the Respondents : Mr.S.Sivashanmugam,
for the first respondent
Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mr.K.M.D.Muhilan,
Government Advocate
for respondents 2 and 3

ORDER

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

The position of the fourth respondent as Member and Vice Chairman of Lathur Panchayat Union has been questioned in the present writ petition, though it has been admitted that she was elected in the Panchayat election.

2. The election cannot be questioned by way of a writ petition, in view of Article 243-O of the Constitution of India. It can be questioned only by way of election petition and therefore, writ petition is not maintainable and it cannot be entertained only for the reason that the period of limitation to maintain an election petition has expired.



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3. For all the reasons given above, the writ petition is not maintainable and accordingly, the same is dismissed. There will be no order as to costs.

(M.N.B., C.J.) (N.M., J.)
14.07.2022

Index : Yes/No
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M.N.Bhandari, CJ.
and
N.Mala, J.

(tar)

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