

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

CORAM :

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

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P. (MD) No.13982 of 2022

and W.M.P. (MD) Nos.9968 and 9971 of 2022

Mohammed Rafiq

.. Petitioner

vs

1. The State Election Commissioner,
Tamilnadu State Election Commission,
Jawaharlal Nehru Road,
Chennai 600 106.
2. The District Election Officer/District
Collector, Theni District,
Theni.
3. The Returning Officer,
Periyakulam Municipality,
Theni District.
4. The Assistant Returning Officer,
Periyakulam Municipality,
Theni District.
5. The Electoral Registration Officer
cum Commissioner,
Periyakulam Municipality,
Theni District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned rejection of nomination of petitioner passed by the 4th respondent dated 28.06.2022 and quash the same as illegal and unconstitutional, consequently direct the 4th respondent to accept the nomination of the petitioner dated 27.06.2022 for the post of councilor from 26th Ward, Periyakulam Municipality, Theni District.

For the Petitioner : No appearance
For the Respondents : Mr.S.Sivashanmugam
Stdg. Counsel for R-1
: Mr.P.Muthukumar
State Govt. Pleader for RR 2 to 5

* * * * *

ORDER

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

None appears on behalf of the petitioner.

2. The writ petition has been filed to challenge the rejection of the nomination. According to the learned State Government Pleader, the election is scheduled for 09.07.2022 and now, with the finalisation of nomination on 30.06.2022, nothing would survive in the writ petition and otherwise, a matter of election cannot be challenged by maintaining a writ petition, but can be a subject matter of election petition.

3. Without going into the issue raised by the learned State Government Pleader, since none appears for the petitioner, the writ petition is dismissed for want of prosecution. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The State Election Commissioner,
Tamilnadu State Election Commission,
Jawaharlal Nehru Road,
Chennai 600 106.
2. The District Election Officer/District
Collector, Theni District, Theni.
3. The Returning Officer,
Periyakulam Municipality,
Theni District.

4. The Assistant Returning Officer,
Periyakulam Municipality,
Theni District.

5. The Electoral Registration Officer
cum Commissioner,
Periyakulam Municipality, Theni District.

+1 cc to Government Pleader Sr.NO. 43486

W.P.(MD) No.13982 of 2022

SJ(CO)

A.SK(13/07/2022)