



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.2264 of 2022

K.C.S.Vivekanandhan

... Petitioner

Vs.

1.The Superintendent of Police,
Karur, Karur District.

2.The Deputy Superintendent of Police,
Karur, Karur District.

3.The Inspector of Police,
Pasupathi Palayam Police Station,
Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents not to harass the petitioner and his family members without following the due process of law till the completion of the local body election process by considering the petitioner E-Mail request, dated 01.02.2022 within time frame fixed by this Court.

For Petitioner : Mr.I.Abrar MD Abdullah

For Respondents : Mr.M.Veeranthiran
Government Advocate (Crl. side)

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents.

2.The petitioner is a member of a political party. He is having an intention to file nomination for the coming local body elections. The apprehension of the petitioner is that since he belongs to the opposition party, he may be entangled in a criminal case and thereby, he may be prevented from filing his nomination. Therefore, he has come to this Court.

3.The learned Government Advocate (Crl. side) submitted that the petitioner is an accused in Crime No.69 of 2022 on the file of
<https://hcservices.ecourts.gov.in/hcservices/>



the Pasupathi Palayam Police Station, Karur District and now transferred to District Crime Branch, Karur and that the petition for anticipatory bail filed by the petitioner is pending before the other Court.

4.This Court cannot grant relief in the nature of anticipatory bail to the petitioner that is for the other Hon'ble Judge of the Court to decide. However, the statutory right of the petitioner to file nomination cannot be denied. Therefore, notwithstanding the status of the petitioner as an accused in a criminal case, the respondents shall not prevent the petitioner from filing his nomination. If for certain reasons, the petitioner could not get the relief of anticipatory bail, the petitioner will not be prevented from filing nomination.

3.The writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar (As)

// True Copy //

04/02/2022

Sub Assistant Registrar(CS)

sjj

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Superintendent of Police,
Karur, Karur District.

2.The Deputy Superintendent of Police,
Karur, Karur District.

3.The Inspector of Police,
Pasupathi Palayam Police Station,
Karur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.SENTHIL KUMARAIHA, Advocate (SR-4085[F] dated
03/02/2022)

W.P (MD) No.2264 of 2022
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