



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No. 2643 of 2022
and W.M.P.(MD) No.2337 of 2022

L.Kulanthaisamy

.. Petitioner

Vs

1. The Tamil Nadu State Election Commission,
Rep. by its Secretary,
No.208/2, Jawaharlal Nehru Road,
Opp. to CMBT, Arumbakkam,
Chennai - 600 106.

2. The District Collector cum Election Officer,
Sivagangai District,
Sivagangai.

3. The Commissioner,
Sivagangai Municipality,
Sivagangai District.

4. G.Marimuthu

5. M.Parameswari

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the Respondents 1 to 3 to cancel the nominations filed by the 4th and 5th respondents forthwith and consequently directing the 2nd respondent to initiate penal action for suppressing of the information in 27th ward of Sivagangai District by considering the petitioner's representation dated 06.02.2022 through E-mail.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.P.Thilakkumar, GP
for R2 & R3



ORDER

(Made by PARESH UPADHYAY, J.)

The petitioner prays for the following relief:

"For the reasons stated in the accompanying affidavit, it is therefore humbly prayed that this Hon'ble Court maybe pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction in the nature of Writ, directing the Respondents 1 to 3 to cancel the nominations filed by the 4th and 5th respondents forthwith and consequently directing the 2nd respondent to initiate penal action for suppressing of the information in 27th ward of Sivagangai District by considering the petitioner's representation dated 06.02.2022 through E-mail and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice."

2. Learned advocate for the petitioner has submitted that the petitioner is a candidate in the election for Ward No.27, Sivagangai Constituency where the respondents 4 and 5 who are husband and wife have also filed nominations. It is submitted that both of them have given false information with regard to the pending criminal cases. The fourth respondent has many criminal antecedents and some of the cases are suppressed. The fifth respondent had one criminal case and in the affidavit, she had stated that there is no criminal case. According to learned advocate for the petitioner, false affidavit is filed and the nomination ought to have been rejected. It is further submitted that objections in this regard is given to the Returning Officer, however, in spite of the said objections, both the nominations were accepted by the Returning Officer. It is also submitted that the fifth respondent has subsequently withdrawn her nomination. Thus, it is the fourth respondent who is in the fray in the election in question, according to learned advocate for the petitioner, on the basis of false information given in the nomination form. It is submitted that this petition be entertained. Learned advocate for the petitioner has also relied upon the decision of the Supreme Court in the case of Brajesh Singh v. Sunil Arora & Others (Contempt Petition (Civil) No.656 of 2020).

3. Having heard learned advocate for the petitioner and having considered the material on record this Court finds that, the grievance that the nomination form of the fourth respondent is improperly accepted, can be a ground to challenge the election in an appropriate proceedings, before appropriate forum. Even if the grievance of the petitioner is justified, it would not be proper for this Court, at this stage to interfere in the election process. Entertaining such a petition would only complicate the general election of local bodies, which, in the facts like this, can not be done. The decision of the Supreme Court as relied by the learned advocate for the petitioner, in the facts noted above, would not take the case of the petitioner any further. This petition therefore

<https://hccs.courts.gov.in/hccs/visas/>



4. For the reasons recorded above, this petition is dismissed. Consequently, C.M.P would not survive.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

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To:

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Tamil Nadu State Election Commission,
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+1 CC to M/s.SPL GP (SR-5925[F] dated 14/02/2022)

W.P(MD)No.2643 of 2022
10.02.2022

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