



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No. 2782 of 2022

S.Nagarajan

.. Petitioner

Vs

The Returning Officer / Commissioner,
Ramanathapuram Municipality,
Ramanathapuram - 623 501.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent pursuant to the impugned order in Na.Ka.No.1716/2021/E1 dated 05.02.2022 and quash the same as illegal and unlawful consequently direct the respondent to accept the nomination of the petitioner dated 02.02.2022 and permit the petitioner to contest in the election to the post of Member in Ward No.10 of Ramanathapuram Municipality, Ramanathapuram District more particularly within a time frame as may be stipulated by this Hon'ble Court.

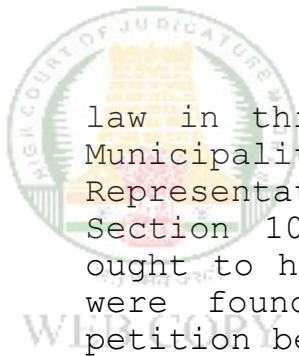
For Petitioner : Mr.J.Pooventhera Rajan

ORDER

(Made by PARESH UPADHYAY, J.)

The petitioner seeks direction against the Returning Officer of Ramanathapuram Municipality to accept his nomination to contest the election for the post of Member of Ward No.10 of Ramanathapuram Municipality. He challenges the order dated 05.02.2022 passed by the respondent, rejecting his nomination.

2. Learned advocate for the petitioner has submitted that, by the impugned order, the Returning Officer has not accepted the nomination filed by the petitioner and therefore the direction, as sought for, be issued to him. It is noted that, learned advocate for the petitioner has taken this Court through the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporation (Elections) Rules, 2006 with specific reference to Rule 120 thereof. He has also taken this Court through the provisions of



law in this regard i.e., Section 51B of the Tamil Nadu District Municipalities Act, 1920 read with the provisions of the Representation of People Act, 1951 with specific reference to Section 100 thereof. It is submitted that the Returning Officer ought to have permitted the petitioner to correct the defects which were found in the nomination form. It is submitted that this petition be entertained.

3. Having heard learned advocate for the petitioner and having considered the material on record this Court finds that, the remedy under the Act is to approach the forum other than the High Court. Further, the remedy is also not the writ petition. Therefore we are not inclined to entertain this petition.

4. For the above reasons, this petition is dismissed. No costs. Consequently, connected WMP (MD) No.2460 of 2022 would not survive.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dn/24

To

The Returning Officer / Commissioner,
Ramanathapuram Municipality,
Ramanathapuram - 623 501.

+1 CC to M/s.A.KANNAN, Advocate (SR-5620[F] dated 11/02/2022)

+2 CCtoM/s.J.POOVENTHERA RAJAN,Advocate(SR-5628[F]dated 11/02/2022)

ORDER MADE IN
W.P (MD) No. 2782 of 2022
11.02.2022

PKP/08.03.2022/2P/5C