



W.P.(MD) No.26246 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.26246 of 2022

S.Thiruvikka

... Petitioner

-Vs-

- 1.The Chief Election Commissioner,
State Election Commission,
No.208/2, Jawaharlal Nehru Road,
CMBT, Arumbakkam, Chennai.
- 2.The District Election Officer,
The District Collector, Karur,
Karur District.
- 3.The Returning Officer,
District Panchayat Council Election,
Karur District.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to forthwith issue notification for conduct of the Karur District Panchayat Vice Chairman election and conduct the election under the supervision of retired Hon'ble High Court Judge or by any other retired District Judge with adequate police protection and further to direct the respondents to videograph the entire election process so as to ensure free and fair election without any irregularities within a time frame fixed by this Court.

For Petitioner	: Mr.T.Lajapathy Roy, For Mr.J.Senthil Kumaraiah
For R1	: Mr.B.Saravanan, Standing Counsel
For R2 and R3	: Mr.Veera.Kathiravan, Additional Advocate General, assisted by Mr.P.Thilak Kumar, Government Pleader
For R4	: Mr.S.Manikandan, Government Advocate (Crl.Side)



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to forthwith issue a notification to conduct election for the post of Vice Chairman for Karur District Panchayat under the supervision of retired Hon'ble High Court Judge or by any other retired District Judge with adequate police protection and further, to direct the respondents to videograph the entire election process, so as to ensure free and fair election without any irregularities within a time frame.

2.Earlier, this Court, by an interim order dated 16.12.2022, passed the following order:-

(i)The 3rd respondent is directed to conduct the election as scheduled on 19.12.2022;

(ii)The entire election process shall be videographed by the 3rd respondent;

(iii)The 3rd respondent shall count the votes, however, not publish the final result of the election until further orders of this Court; and

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WEB COPY (iv) *The 3rd respondent is directed to file a report in the sealed cover before this Court on 22.12.2022;*

3. Today, when the matter was taken up for hearing, the learned counsel for the petitioner made an allegation that the petitioner was abducted at 11.50 a.m on 19.12.2022, whereas the election was scheduled to be held at 2.30 p.m., on the same date. Therefore, the petitioner was prevented from participating in the election. In this regard, a complaint has also been lodged in Crime No.360 of 2022 for the offences punishable under Sections 341, 324, 427 and 363 IPC on the file of the Vendasandur Police Station, Dindigul, however, no action has been taken till date.

4. The learned Additional Advocate General for the respondents 2 and 3 submitted that pursuant to the interim order of this Court dated 16.12.2022, the 3rd respondent has conducted the election on 19.12.2022 and one group has got majority of seven votes and other group has got 4 votes. On the side of the petitioner, one Ramesh has been nominated for the post of Vice Chairman and has secured 4 votes. Therefore, the 3rd respondent may be permitted to publish the result and declare the elected candidate.

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5. In view of the above, the 3rd respondent is permitted to publish the result and declare the elected candidate. In the meantime, the aforesaid case in Crime No.360 of 2022 shall be transferred to the file of the Additional Superintendent of Police, Dindigul, who shall conduct a detailed investigation on merits and in accordance with law. Pursuant to the order of this Court dated 16.12.2022, the 3rd respondent has produced the sealed cover before this Court and the same is now returned to the learned Additional Advocate General.

6. With the above observation, this Writ Petition stands disposed of.

No costs.

[D.K.K., J.] & [R.V., J.]
22.12.2022

Index : Yes / No

Internet : Yes / No

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To

1. The Chief Election Commissioner,
State Election Commission,
No.208/2, Jawaharlal Nehru Road,
CMBT, Arumbakkam, Chennai.

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AND

R.VIJAYAKUMAR, J.

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- 2.The District Election Officer,
The District Collector, Karur,
Karur District.
- 3.The Returning Officer,
District Panchayat Council Election,
Karur District.
- 4.The Superintendent of Police,
Karur, Karur District.
- 5.The Additional Superintendent of Police,
Dindigul.

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