



W.P(MD)No.29031 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29031 of 2022

Pitchai

... Petitioner

Vs

- 1.The District Collector,
District Collector Office,
Sivagangai – 630 562.
- 2.The Special Deputy Collector,
Social Security Scheme,
Sivagangai – 630 562.
- 3.The Executive Engineer,
Water Resource Department,
Sarukani Basin Division,
Sivagangai – 630 562.
- 4.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai – 630 561.
- 5.The Tahsildar,
Tahsildar Office,
Thiruppuvanam – 630 611.
- 6.The Assistant Engineer,
Public Works Department – II,
Thiruppuvanam – 630 611.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the impugned Election Notification issued by the first respondent in respect of Palayanoor Kanmai(Pond) in Thiruppuvanam Taluk, Sivagangai District for the posts of “The President of Water usage Association” and “Members of the Managing Committee of the Water Users Association” vide Notification Na.Ka.No.Ji,1/17759/2021, dated 02.12.2022 and consequently set aside the same as illegal for the reasons in the manner of violation of the provision in section 4 of Rules in the Tamil Nadu Farmers Management of Irrigation Systems Act, 2000 (Tamilnadu Act 7 of 2001) and to direct fresh notification to the first respondent after allowing the same Act as per law within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner challenges the impugned election notification. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. According to him, the procedure set out in the relevant statute has not been followed. I am however not in a position to consider the said submissions for the simple reason that the



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petitioner had taken part in electoral process. He offered his nomination. For certain reasons his nomination was rejected. Following the rejection of the nomination, the petitioner wants to question the election notification. It is clearly not permissible in law. A person who took part in the process cannot turn round and challenge the validity of the process thereafter.

3.Leaving open all the other contentions and remedies of the writ petitioner, this writ petition is dismissed. The Returning Officer is directed to serve a copy of the rejection order on the petitioner. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

23.12.2022

Index : Yes / No

Internet : Yes/ No

MGA

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MGA

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