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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD)No.29095 of 2022

and

WMP(MD)No.23068 of 2022

Muthuraku

... Petitioner

VS.

- 1.The District Collector,
Sivagangai District.
- 2.The Tahsildar,
Thiruppuvanam Taluk Office,
Sivagangai District.
- 3.The Executive Engineer,
Public Works Department and
Water Resources Department,
Saruganiyaru Basin Division,
Sivagangai District.
- 4.The Assistant Executive Engineer,
Public Works Department,
Water Resources Department,
Thiruppuvanam,
Saruganiyaru Basin Division,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus directing the respondents herein to revise the Voters lists in connection with the proposed elections to be held on 29.12.2022 in respect of T.Adhikarai Water Users Sangam and also to



withhold the conduct of the elections on 29.12.2022 based on the representation given by the petitioner dated 20.12.2022.

For Petitioner : Mr.V.Malaiyendran
For Respondents : Mr.R.Baskaran,
Additional Advocate General
assisted by Mr.M.Siddharthan
Additional Government Pleader

Mr.Maheshraja for intervenor Mr.Arjunan

ORDER

Heard the learned counsel on either side.

2.The petitioner as well as the intervenor are contestants in the proposed election to be held on 29.12.2022 for electing the office bearers of the petition mentioned water users association. Serious contest arose as to whether all the eligible voters' names have been included in the voters' list. The learned counsel for the petitioner categorically asserts that the voters' list is defective. Thiru.Mohankumar, Assistant Executive Engineer, PWD, WRD, Thiruppuvanam who is present in person to assist the court states that 10 to 20 persons appear to have been left out.

3.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



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followed. I am however not in a position to consider the said submissions for the simple reason that the 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 around and challenge the validity of the process thereafter. Leaving open all the other contentions and remedies of the writ petitioner, this writ petition is disposed of. The Returning Officer is directed to serve a copy of the rejection order on the petitioner. No costs. Connected miscellaneous petition is closed.

23.12.2022

Index : Yes / No
Internet : Yes/ No
SKM

To

- 1.The District Collector, Sivagangai District.
- 2.The Tahsildar, Thiruppuvanam Taluk Office, Sivagangai District.
- 3.The Executive Engineer, Public Works Department and Water Resources Department, Saruganiyaru Basin Division, Sivagangai District.
- 4.The Assistant Executive Engineer, Public Works Department, Water Resources Department, Thiruppuvanam, Saruganiyaru Basin Division, Sivagangai District.



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G.R.SWAMINATHAN, J.

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