



C.R.P.No.191 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

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**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

C.R.P.No.191 of 2023

R.Palaniswamy

... Petitioner

Vs

- 1.The Chief Election Officer,  
Election Department,  
Government of Tamil Nadu,  
Secretariat, Chennai 600 009.
- 2.The Chief Election Commissioner,  
Tamil Nadu State Election Commission,  
Door No.208/2, Jawaharlal Nehru Road,  
Opposite to Koyambedu Bus Stand,  
Arumbakkam, Chennai 600 106.
- 3.The District Collector Coimbatore,  
Collector Office, Coimbatore 641 018.
- 4.The Revenue Divisional Officer, Coimbatore,  
State Bank Road, Coimbatore- 641 018.  
Now,  
The Revenue Divisional Officer, Coimbatore (North)  
Revenue Divisional Office



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Mettupalayam Road,  
Kavundampalayam, Coimbatore-641 030.

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- 5.The Tahsildar, Mettupalayam Taluk  
Tahsildar Office, Sirumugai Road  
Mettupalayam, Coimbatore 641301.
- 6.The Tahsildar, Coimbatore North Taluk  
Tahsildar Office, Dr.Balasundaram Road  
Coimbatore 641 018.
- 7.The Executive Officer,  
Gudalur Town Panchayat,  
Town Panchayat Office  
Gudalur-Kavundampalayam  
Naickenpalyam P.o.,  
Coimbatore 641 020.  
Now  
The Commissioner  
Gudalur Municipality,  
Gudalur Municipality Office,  
Samichettipalayam,  
Jothipuram P.O., Coimbatore -641 047.
8. The Commissioner  
Coimbatore Corporation,  
Corporation Main Office,  
Coimbatore 641 001.
9. A.Arivarasu
- 10.K.Kurunthachalam



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11. D.Prabhu

12. R.Mahendran

R.Ranganathan (Died)

13. V.Rajan

14. M.Ramesh

Assistant Commissioner (Commercial Tax)  
Commercial Taxes Department,  
Government of Tamil Nadu  
Tirupur Lakshmi Nagar Assessment Division  
Murungapalayam Extension,  
Tirupur-641 602

... Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to allow this Civil Revision Petition by setting aside the docket Order dated 24.11.2022 passed by the Learned Principal District Judge of Coimbatore in the Unnumbered Petition in CFR.No.35201 of 2022 in El.O.P.No.62 of 2012 and to pass such further suitable orders that may be necessary in the interest of justice.

For Petitioner : Mr.V.Ragupathy

For Respondents : Mr.S.Sivashanmugam (for R2)  
Mr.V.Jeevagiridharan (for R1,  
R3 to R8)



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## ORDER

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The Civil Revision petition is filed to set aside the Docket Order dated 24.11.2022 passed in un-numbered petition in CFR.No.35201 of 2022 in El.O.P.No.62 of 2012.

2.The revision petitioner instituted an election petition challenging the election of the 9th respondent as president of Gudalur Panchayat, Nilgiri District. The election petition is pending for the past about 10 years and the trial had already commenced. The Court is in the process of examining the witnesses and at that point of time, the revision petitioner filed an Interlocutory Application seeking relief of impleading one Mr.M.Ramesh, who was the Assistant Election Officer during the relevant point of time when the disputed election was conducted. The Trial Court considered the reasons furnished by the petitioner for impleading the Assistant Election Officer as a party respondent in the election petition and dismissed the petition without numbering but with liberty to the petitioner to examine PW-2 M.Ramesh (Assistant Election Officer) and elicit relevant facts in



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support of the case of the revision petitioner. Thus, the petition for impleading was rejected but the revision petitioner was allowed to cross-examine the said M.Ramesh (Assistant Election Officer) for the purpose of eliciting all the relevant facts through cross-examination.

3. When such an opportunity was granted to the revision petitioner, he cannot insist that the M.Ramesh (Assistant Election Officer) must be impleaded as a party in the election petition which became unnecessary and more so, such an application is filed after the commencement of the trial, knowing the fact that the election petition is pending for the past about 10 years. Thus, impleading the M.Ramesh (Assistant Election Officer) at this length of time as a party would not serve any purpose. However, the Trial Court granted liberty to the revision petitioner to examine the said M.Ramesh (Assistant Election Officer) for the purpose of eliciting the relevant facts and the petitioner is at liberty to avail this opportunity and establish his case by cross-examining the said witness.

4.Filing such an Interlocutory application after commencement of



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trial cannot be entertained as the parties have completed their pleadings and examination of witnesses commenced and thus, this Court does not find any infirmity in respect of the Docket Order passed by the Trial Court in rejecting the claim of the revision petitioner for impleading and granting liberty to examine the M.Ramesh (Assistant Election Officer).

5.In view of the facts and circumstances, the petitioner is at liberty to proceed with the trial by cross-examining the said Mr.M.Ramesh PW-2 by availing the opportunity granted. Accordingly, the Civil Revision Petition stands **dismissed**. However, there shall be no order as to costs.

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Speaking Order  
Internet : Yes  
Index: Yes

31.01.2023  
(½)

To:

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1. Principal District Judge of Coimbatore
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Election Department,  
Government of Tamil Nadu,  
Secretariat, Chennai 600 009.
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8. The Executive Officer,  
Gudalur Town Panchayat,

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Town Panchayat Office  
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Now  
The Commissioner  
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Gudalur Municipality Office,  
Samichettipalayam,  
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9. The Commissioner  
Coimbatore Corporation,  
Corporation Main Office,  
Coimbatore 641 001.

10. M.Ramesh  
Assistant Commissioner (Commercial Tax)  
Commercial Taxes Department,  
Government of Tamil Nadu  
Tirupur Lakshmi Nagar Assessment Division  
Murungapalayam Extension,  
Tirupur-641 602



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**S.M.SUBRAMANIAM, J.**

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C.R.P.Nos.191 & 192 of 2023

WEB CO **S.M.SUBRAMANIAM, J.**

This matter came up for hearing today under the caption 'For Being Mentioned'.

2. The respective learned counsel appearing on behalf of the parties brought to the notice of this Court that this Court passed an order on 31.01.2023 in C.R.P.No.191 of 2023 and C.R.P.No.192 of 2023. In the above said two separate orders, Paragraph Nos.2, 3 and 5, it has been erroneously typed as 'cross-examine', 'cross-examining' and 'cross-examination', instead of 'examine', 'examining' and 'examination'. Thus, it is to be corrected as 'examine', 'examining' and 'examination'.

3. Thus, the Registry, High Court, is directed to carryout the necessary corrections in both the Civil Revision Petitions and re-issue fresh order copies to the respective parties.

**24.03.2023**

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**S.M.SUBRAMANIAM, J.**

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**C.R.P.Nos.191 & 192 of 2023**

**24.03.2023**