



C.R.P.No.192 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.192 of 2023

and

C.M.P. No.1503 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.



C.R.P.No.192 of 2023

WEB COPY

4. The Revenue Divisional Officer, Coimbatore,
State Bank Road, Coimbatore- 641 018.
Now,
The Revenue Divisional Officer, Coimbatore (North)
Revenue Divisional Office
Mettupalayam Road,
Kavundampalayam, Coimbatore-641 030.
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, Cuddalore Municipality,
Municipality Office,
Cuddalore - Kavundampalayam,
Naickenpalayam P.O.,Coimbatore - 641 020.
Now
The Commissioner,
Cuddalore Municipality,
Office of the Cuddalore Municipality,
Samichettipalayam, Jothipuram P.O.,
Coimbatore-641 047.
8. The Commissioner
Coimbatore Corporation,
Corporation Main Office,
Coimbatore 641 001.



C.R.P.No.192 of 2023

WEB COPY

9. A.Arivasaru

10.K.Kurunthachalam

11. D.Prabhu

12. R.Mahendran

R.Ranganathan (Died)

13. V.Rajan

...

Respondents

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 30.08.2022 passed by the Learned Principal District Judge of Coimbatore in the I.A.No.2 of 2022 in El.O.P.No.62 of 2012.

For Petitioner : Mr.V.Ragupathy

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

ORDER

The Civil Revision Petition is filed to set aside the Docket Order dated 30.08.2022 passed in un-numbered petition in the I.A.No.2 of 2022 in El.O.P.No.62 of 2012.



C.R.P.No.192 of 2023

WEB COPY

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 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.



C.R.P.No.192 of 2023

WEB COPY

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 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



C.R.P.No.192 of 2023

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.

sha

Speaking Order
Internet : Yes
Index: Yes

31.01.2023
(2/2)



C.R.P.No.192 of 2023

To:

1. Learned Principal District Judge of Coimbatore

2. The Chief Election Officer,
Election Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

3. 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.

4. The District Collector Coimbatore,
Collector Office, Coimbatore 641 018.

5. The Revenue Divisional Officer, Coimbatore,
State Bank Road, Coimbatore- 641 018.
Now,
The Revenue Divisional Officer, Coimbatore (North)
Revenue Divisional Office
Mettupalayam Road,
Kavundampalayam, Coimbatore-641 030.

6. The Tahsildar, Mettupalayam Taluk
Tahsildar Office, Sirumugai Road
Mettupalayam, Coimbatore 641301.

7. The Tahsildar, Coimbatore North Taluk
Tahsildar Office, Dr.Balasundaram Road
Coimbatore 641 018.



WEB COPY



C.R.P.No.192 of 2023

S.M.SUBRAMANIAM, J.

sha

8. The Executive Officer, Cuddalore Municipality,
Municipality Office,
Cuddalore - Kavundampalayam,
Naickenpalayam P.O., Coimbatore - 641 020.
Now
The Commissioner,
Cuddalore Municipality,
Office of the Cuddalore Municipality,
Samichettipalayam, Jothipuram P.O.,
Coimbatore-641 047.
9. The Commissioner
Coimbatore Corporation,
Corporation Main Office,
Coimbatore 641 001.

C.R.P.No.192 of 2023

31.01.2023
(2/2)



C.R.P.No.192 of 2023

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

kak

9/10



WEB COPY



C.R.P.No.192 of 2023

S.M.SUBRAMANIAM, J.

kak

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

24.03.2023