



WEB COPY



W.P.No. 2600 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.2600 of 2023

G.Jaya

.. Petitioner

-VS-

1. The State Election Commission
rep. by its Commissioner,
Arumbakkam,
Chennai-600 106.
2. The Secretary to Government,
Local Bodies & Village Panchayat Department,
Fort St. George, Chennai-600 009.
3. The District Collector,
Kallakurichi District,
Kallakurichi-606 202.
4. The Block Development Officer,
Tirukoilur Taluk,
Kallakurichi District-605 757.
5. The Returning Officer,
Elrampattu Panchayat Union,
Office of the BDO, Santhapettai,
Tirukoilur Taluk, Kallakurichi District.



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6. The President,
Elrampattu Panchayat Union,
Tirukoilur Taluk,
Kallakurichi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 11.12.2021 and to dispose of the same on merits and in accordance with law, within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Balasubramanian

For Respondents : Mr.S.Sivashanmugam,
Standing Counsel for R1

Mr.P.Muthukumar,
State Government Pleader for R2 to 6

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 11.12.2021 and to dispose of the same on merits and in accordance with law, within a time frame as may be fixed by this Court.

2. Heard the learned Counsel for the petitioner.



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3. Mr.S.Sivashanmugam, learned Standing Counsel takes notice for the 1st respondent and Mr.P.Muthukumar, learned State Government Pleader takes notice for respondents 2 to 6.

4. On the face of the records, we are of the view that the writ petition itself is not at all maintainable. The reason being that when the elections were held on 06.10.2021 and the results were published on 11.10.2021 itself, after a lapse of more than a year indirectly challenging the said election, the present Writ Petition has been filed only to defeat the purpose of the election which has already been conducted and President has been elected for the Panchayat Union-in-question and the petitioner has not challenged the said election within the stipulated time i.e. within 45 days from the date of the publication of the results of the election as per Section 258(1) of the Tamil Nadu Panchayats Act, 1994 which is extracted here under:

"258. Election Petitions: (1) No election of a President or a Chairman or a Member shall be called in question except by an election petition presented to the District Judge of the District in which the Panchayat is situated, within (forty five days) from the date of the publication of the results of the election, under this Act."



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5. In view of the above, we find no merits in the present Writ Petition.

Accordingly, the Writ Petition is dismissed. No costs.

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[S.V.N., J.] [J.S.N.P., J.]
02.02.2023

Index: Yes / No

Internet: Yes / No

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To

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