



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.574 of 2023

V.Subbiah

... Petitioner

v.

- 1.The District Collector,
Sivagangai District, Sivagangai.
- 2.The Election cum Returning Officer,
Anjukottai Kalvai Water Users Association,
Devakottai Taluk, Sivagangai District.
- 3.The Revenue Divisional Officer,
Devakottai, Sivagangai District.
- 4.The Tahsildar, Devakottai,
Sivagangai District.
- 5.Selvaraj
The Presiding Officer of Election for Eagarai
Kottavayal Water Users Association,
Eagarai South, Devakottai Taluk,
Sivagangai District.
- 6.Venkateshwaran
The Village Administrative Officer,
Eagarai – Kottavayal Group Village,
Devakottai Taluk, Sivagangai District.
- 7.Gopi, Village Assistant,
Devakottai Taluk,
Sivagangai District.



8. Viswanathan
Member of Eagarai Kottavayall Water Users
Association,
Kottavayal Village, Devakottai Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration to declare the election held on 29.12.2022 for the post of member of Eagarai Kottavayal Kanmai in Anjukottai Kalvai Water Users Association, Muppaiyur, Devakottai Taluk, Sivagangai District is illegal and unconstitutional.

For Petitioner : Mr.V.Angusamy

For Respondents : Mr.A.K.Manikkam
Special Government Pleader
for R1 to R4

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the official respondents. Considering the nature of relief to be granted, issuance of notice to the private respondents is dispensed with.

2.The petitioner contends that the election to the petition mentioned post of the petition mentioned water users association was affected by illegalities and irregularities. It is not as if the petitioner was unaware of the same before the election was held. The petitioner was a contestant. Having lost in the



election, the petitioner now challenges the validity of the election process. In such cases, the writ court will not exercise its indulgence in favour of the petitioner. The petitioner has to necessarily seek his remedy elsewhere. If any such petition is filed for setting aside the impugned election, it will be numbered immediately and disposed of on merits and in accordance with law within a period of six months thereafter. I make it clear that I have not gone into the merits of the matter. All the contentions of the petitioners are left open.

3.This writ petition stands disposed of. No costs.

10.01.2023

SKM

To

- 1.The District Collector,
Sivagangai District, Sivagangai.
- 2.The Election cum Returning Officer,
Anjukottai Kalvai Water Users Association,
Devakottai Taluk, Sivagangai District.
- 3.The Revenue Divisional Officer,
Devakottai, Sivagangai District.
- 4.The Tahsildar, Devakottai,
Sivagangai District.



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G.R.SWAMINATHAN, J.

skm

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