



WP(MD)No.1963 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.10.2023**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.1963 of 2021

and

W.M.P.(MD)No.2236 of 2021

1.B.Amirthavallli

2.Karthuri

...Petitioners

/Vs./

1.The District Collector,
Ramanathapuram District.

2.State Panchayat Election Commissioner,
Opposite to Coimbedu Bus Stand,
Chennai.

3.The Tahsildar,
Mudhukulathur Taluk,
Ramanathapuram District.

4.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

5.The Chief Educational Officer,
Sathanoor High School,
(Now Higher Secondary School),
Sivagangai District.



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6.The Block Development Office (VP),
Muthukulathur Taluk,
Ramanathapuram District.

7.The President,
Nallukurichi (Post),
Mudhukulathur Taluk,
Ramanathapuram District.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to disqualify the 7th respondent as women president as she was elected based on the forgery caste certificate in SC Women Panchayat.

For Petitioners : Mr.S.C.Herold Singh

For Respondents : Mr.B.Saravanan

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus, directing the first and second respondents to disqualify the 7th respondent, who is the President of the Nallukurichi Village Panchayat, on the ground that the 7th respondent has produced a forged caste certificate as if she belongs to the SC community.



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2. When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the official respondents submitted that the second petitioner had already filed an election petition in ELOP No.18 of 2020 before the Principal District Court, Ramanathapuram and the very same ground was taken before the Court and this petition came to be dismissed by an order dated 18.11.2021. A copy of the judgment was also placed before this Court.

3. In view of the above development, no further orders can be passed in this writ petition. If the petitioners are aggrieved by the judgment passed in ELOP No.18 of 2020, they have to independently agitate their rights by way of filing an appeal. The genuineness or otherwise of the community certificate is a subject matter in ELOP No.18 of 2020 and therefore, unless and otherwise it is held so by the competent court, this Court cannot parallelly give any direction to the authority to scrutinize the community certificate issued in favour of the 7th respondent.

4. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

11.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No



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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.1963 of 2021

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