



C.R.P.(MD) No.1555 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

CORAM:

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P.(MD)No.1555 of 2023

R.Murali Manohar

... Petitioner

Vs.

1.Shoba

2.Saraswathy

3.Mohamed Anwar Husain

4.Pon Rathina Selvan

5.Rajeswaran

6.Kumaragurubara Athithan

7.Esakkimuthu

8.The Returning Officer/
Block Development Officer,
Thiruchendur Panchayat Union,
Thoothukudi District.



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9. The District Collector,
Tuticorin District,
Collectorate, Korampallam,
Tuticorin.

... Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, prays to direct the Lower Court for expeditious disposal of the petition in Election O.P.No.10 of 2020 on the file of the I Additional District Judge, Thoothukudi, within a time frame fixed by this Court.

For Petitioner : Mr.M.saravanan

ORDER

This civil revision petition is filed seeking early disposal of the petition in Election O.P.No.10 of 2020, on the file of the First Additional District Judge/Election Tribunal, Thoothukudi.

2. The petitioner has filed the petition in Election O.P.No.10 of 2020, on the file of the First Additional District Judge/Election Tribunal, Thoothukudi, for a direction to re-count the votes polled for the post of President of Kayamozhi Village Panchayat held on 02.01.2020 and for a consequential declaration.

3. According to the petitioner, he participated the election for the



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post of President of Kayamozhi Village Panchayat and after counting, he was declared as winner by margin of 51 votes and he was asked to wait outside the counting area for collecting the certificate. After sometime, the Election Officer had declared the fifth respondent as winner by margin of one vote and challenging the election process, the petitioner filed the above Election O.P.

4. The learned counsel appearing for the revision petitioner would submit that as per Section 258(5) of Tamil Nadu Panchayats Act, 1994, Election Petition has to be tried on day-to-day basis and if the Court adjourns the matter, the Court should adduce reason for the same. He would further submit that as per the Section 258(6) of the said Act, the Election Tribunal has to conclude the trial within six months. However, the Court below is keeping the matter pending without any progress for the past three years. It is further contended that for the past ten months, the matter has been posted for respondents' side evidence and the respondents were not inclined to adduce evidence on their side. Therefore, the matter has been delayed without any progress. It is the



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deliberate attitude of the respondents to drag on the proceedings.

5. Heard the learned counsel appearing for the petitioner and perused the records.

6. On perusal of the records, it is seen that the trial was commenced on 12.03.2021 and several adjournments were given by the Court below and on 21.09.2022, the petitioner's side evidence was closed. Now, the matter is posted for respondents' side evidence. However, for several months, the fifth respondent failed to adduce evidence on their side. Admittedly, the election was conducted on 02.01.2020. As rightly pointed out by the learned counsel for the petitioner, under Section 258(6) of Tamil Nadu Panchayats Act, 1994, the Election Tribunal ought to have concluded the trial within a period of six months, but unfortunately, the said Election O.P is kept pending for more than three years. Hence, a direction is sought for early disposal of the said Election O.P.

7. In view of the above, the learned First Additional District Judge,



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Thoothukudi, is directed to dispose of the petition in Election O.P.No. 10 of 2020, as expeditiously as possible, preferably, within a period of one month from the date of receipt of a copy of this order, by posting the matter on day-to-day basis without giving unnecessary adjournments and report the same before this Court.

8. With the above direction, this Civil Revision Petition is allowed.

No costs.

04.07.2023

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

To

The I Additional District Judge,
Thoothukudi.



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K.GOVINDARAJAN THILAKAVADI, J.

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