



C.M.A.No.588 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.No.588 of 2024

Mariyal Natarajan

... Appellant

Vs.

1. S.Ravi
2. The State Election Commission,
Rep. by its Secretary,
No.208/2, Jawaharlal Nehru Salai,
Opp to Koyambedu Bus Terminus,
Arumbakkam,
Chennai – 600 106.
3. The District Election Officer / District Collector,
Chengalpattu District,
Chengalpattu – 603 001.
4. The Returning Officer / Block Development Officer,
St.Thomas Mount,
No.1, Chitlapakkam 1st Main Road,
Chitlapakkam,
Chennai – 600 064.
5. R.Divya
6. G.Iyappan



C.M.A.No.588 of 2024

7. V.Shankar

8. J.Ezhil Pandian

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 96 r/w Order XLI Rule 1 & 2 of C.P.C to call for the records pertaining to the impugned fair & decretal order dated 07.12.2023 passed in I.A.No.1 of 2023 in Election Petition No.256 of 2021 by the learned Principal District Judge, Kancheepuram District at Chengalpattu.

For Appellant : Mr.V.Chandrasekaran

For Respondents : Mr.T.N.Raja Gopalan for R1
Mr.Shiva Shanmugam, SC
for R2
Mr.D.Gopalan, GA for R3
Mr.C.Selvaraj, AGP for R4
No Appearance for R5 to R8

JUDGMENT

The above appeal is filed by the appellant challenging the impugned fair & decretal order dated 07.12.2023 passed by the learned Principal District Judge, Kancheepuram District at Chengalpattu in I.A.No.1 of 2023 in Election Petition No.256 of 2021.

2. Since no adverse order is being passed against the respondents 5 to 8, notice to the respondents 5 to 8 is dispensed with.



C.M.A.No.588 of 2024

WEB COPY

3. It is the case of the appellant that, she has filed the election petition to set aside the election of the first respondent as returned candidate for the post of President of Sithalapakkam Village Panchayat and to consequently declare the election dated 06.10.2021 as null and void and for other relief. At the outset the first respondent won the election securing majority of votes. Seeking to reject the said Election petition, the first respondent has filed an application in I.A.No.1 of 2023 on the file of Principal District Judge, Kancheepuram District, Chengalpattu. Since there was no material evidence demonstrating a genuine cause of action, the IA.No.1 of 2023 filed by the first respondent was allowed and the election petition filed by the appellant was rejected vide impugned order dated 07.12.2023. Challenging the same, the present appeal has been filed.

4. The learned counsel appearing for the appellant submits that though there is no violation of rules, the learned trial Judge has rejected the election petition filed by the appellant without ascertaining the provisions contemplated under Rule 41(4)(a) of the Tamil Nadu



C.M.A.No.588 of 2024

Panchayats (Election) Rules, 1995, which is per se unsustainable.

Accordingly, he prayed for passing appropriate orders.

5. The learned counsel for the first respondent fairly conceded that this Court may set aside the impugned order dated 07.12.2023 passed in I.A.No.1 of 2023 in Election O.P.No.256 of 2021 by allowing the appellant to prove the election violations before the trial Court and thereafter, the trial Court may be directed to pass appropriate orders after affording an opportunity of hearing to the appellant as well as the aggrieved persons including the first respondent and the Election Officer on merits and in accordance with law.

6. In view of the fair submission made by the learned counsel for the first respondent, this Court without expressing any opinion on the merits of the case, set aside the impugned order passed by the trial Court. The learned Principal District Judge, Kancheepuram District, Chengalpattu is directed to decide the Election O.P.No.256 of 2021 on merits by allowing the appellant and the aggrieved persons if any including the first respondent to let in evidence to prove their election



C.M.A.No.588 of 2024

violations and pass appropriate orders in a manner known to law as expeditiously as possible.

7. With the above observation, the above Civil Miscellaneous Appeal is allowed. No costs.

13.12.2024

Index : Yes / No
Speaking order / Non-speaking order
Netrual Citation Case : Yes / No
rap

To

1. The Secretary,
The State Election Commission,
No.208/2, Jawaharlal Nehru Salai,
Opp to Koyambedu Bus Terminus,
Arumbakkam,
Chennai – 600 106.
2. The District Election Officer / District Collector,
Chengalpattu District,
Chengalpattu – 603 001.
3. The Returning Officer / Block Development Officer,
St.Thomas Mount,
No.1, Chitlapakkam 1st Main Road,
Chitlapakkam,
Chennai – 600 064.



WEB COPY



C.M.A.No.588 of 2024

M.DHANDAPANI, J.

rap

4. The Principal District Judge, Kancheepuram District at Chengalpattu.
5. The Section Officer, V.R.Section, High Court, Madras.

C.M.A.No.588 of 2024

13.12.2024