



W.P.No.8573 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8573 of 2021

K.Saravanan

.... Petitioner

Vs

1.The State Election Commissioner,
O/o the Election Commission,
Chennai - 106.

2.The District Collector (cum) District Election Officer,
O/o the District Collectorate,
Namakkal District.

3.The Block Development Office (cum)
Assistant Returning Officer,
O/o the Block Development Office,
Puduchatram Block,
Namakkal Taluk,
Namakkal District.

4. J. Muthulakshmi

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, direct the 2nd respondent to complete the 1st respondent order O.Mu.627/2020/Bu.Pi on 20.01.2020 and O.Mu.5617/2020/Bu.Pi on 21.09.2020 on merits.

For Petitioner : Mr.G.Muniraj



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For R1 & R4 : No appearance
For R2 : Mr.V.Manoharan
Additional Government Pleader
For R3 : Mr.M.Elumalai

ORDER

This Writ Petition has been filed for a direction, directing the second respondent to complete the order passed by the first respondent dated 20.01.2020 and 21.09.2020.

2. Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the second respondent and the learned counsel appearing for the third respondent and perused the materials available on record.

3. The first respondent notified the local body election on 09.12.2019. The fourth respondent submitted her nomination to contest for the post of Panchayat President of Thirumalaipatti Village, Senthamangalam Taluk, Namakkal District and was elected as President. Subsequently, the petitioner had verified the information furnished by the fourth respondent and found that she had furnished false information



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before the third respondent in Form 3A in respect of her immovable properties. Though she stated as 'NIL' in the column of immovable properties, the fourth respondent possessed two immovable properties. Therefore, the petitioner submitted a representation before the first respondent and the same was forwarded to the second respondent for conducting an enquiry. However, the said direction was not complied with by the second respondent.

4. A perusal of the counter filed by the third respondent reveals that the petitioner is none other than the son of an unsuccessful candidate in the local body election for the post of President, which was held in the year 2019. Further, if at all any material particulars furnished by the candidates are found to be false, action will be exonerated under Section 253 of the Tamil Nadu Panchayat Act. However, the petitioner failed to invoke the said provision with regard to furnishing of incorrect particulars in Form 3A by the fourth respondent. The petitioner submitted a representation only after declaration of the fourth respondent as President. That apart, the allegations levelled as against the fourth respondent are found to be false, since the property, which was mortgaged by the fourth respondent's father and after the demise of her



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mother and father, the petitioner's name has been included in the patta and she was issued a joint patta after 2021. Therefore, the fourth respondent has not furnished any false records.

5. In view of the above, the direction sought for in this writ petition cannot be considered. Therefore, the writ petition lacks merit and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

15.10.2024

Internet : Yes
Index : Yes/No
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G.K.ILANTHIRAIYAN, J.

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