



C.R.P.(PD).No. 1747 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2024

CORAM

THE HONOURABLE Mr. JUSTICE

V.LAKSHMINARAYANAN

C.R.P.(PD).No. 1747 of 2024

&

C.M.P. No. 9180 & 9181 of 2024

M.Anandhi

...Petitioner

Vs.

1.The Tamil Nadu State Election Commissioner,
The Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam,
Chennai.

2.The District Election Officer cum District Collector,
District Collector Office,
Kanchipuram District.

3.The Returning Officer cum Block Development Officer,
Block Development Office,
Kundrathur Union at Padappai,
Kanchipuram District – 601 301.



C.R.P.(PD).No. 1747 of 2024

4.N.Yuvaraj

...Respondents

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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against I.A.No.50 of 2021 in O.P.No.77 of 2021 on the file of the Court of the Principal District and Sessions Court, Kancheepuram.

For Petitioner : Mr. R.Amardeep

For Respondent 1 : Mr. Siva Shanmugham

For Respondents : Mr. C.Sathish
2 and 3 Government Advocate

For Respondents 4: Mr. Syed Fasim Mohmed.

ORDER

This Civil Revision Petition arises against the order passed by the Principal District and Sessions Judge, Kancheepuram, in I.A.No.50 of 2021 in Election O.P.No.77 of 2021 dated 18.03.2024.



The civil revision petitioner is the petitioner in the Election Petition.

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2. The petitioner took out a petition under Rule 68 of the Tamil Nadu Panchayat Election Rules, read with Section 151 of the Code of Civil Procedure. This application sought for a direction to the respondents 1 to 3 to produce the ballot box for the election conducted to Ward No.3 of Manimangalam Village Panchayat and also for CCTV footage during the time of counting the votes. This petition was received in I.A.No.50 of 2021.

3. On the petition being served on the respondents, the respondents neither filed a counter nor did they oppose the same. The learned Judge left with no other option had set them ex parte. The learned Judge took up an application for disposal. He returned a finding that there is no basis for the ballot box, counterfoils and CCTV footages to be produced before the Court. The learned Judge



pointed out that it is available in the custody of the Returning Officer / Block Development Officer, Kundrathur Union, Padappai, Kancheepuram, who shall produce it at the time of disposal. Aggrieved by the same, the present Civil Revision Petition has been filed.

4. Notice was ordered in the Civil Revision Petition on 23.04.2024. On service of notice, Mr.Siva Shanmugham, entered appearance for the 1st respondent, Mr. C.Sathish, Government Advocate entered appearance for the 2nd and 3rd respondents and Mr.Syed Fasim Mohmed entered appearance for the 4th respondent.

5. Mr.R.Amardeep, would submit that the respondents have remained ex parte before the Trial Court and therefore the petitioner is not in a position to specify if the records are in fact available with the Block Development Officer.



6. Hence, I requested Mr. C.Sathish, Government Advocate to get necessary instructions in this regard. Mr. C.Sathish got written instructions from the Block Development Officer, Kundrathur Panchayat Union @ Padappai, Kancheepuram, that the ballot box and CCTV footages are in his safe custody.

7. Mr. C.Sathish, Government Advocate, states they will produce the records before the Trial Court as and when requested. Therefore, the fear of the civil revision petitioner is unfounded. Recording the contents of the letter dated 19.08.2024, sent by the 3rd respondent to Mr.C.Sathish, Government Advocate, the Civil Revision Petition is disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

8. It is open to the civil revision petitioner to summon the records, if she so desires for the production of the same before the Court.



C.R.P.(PD).No. 1747 of 2024

20.08.2024

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Index : Yes/No
Internet : Yes/No
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To

The Principal District and Sessions Judge,
Kancheepuram.



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C.R.P.(PD).No. 1747 of 2024

V.LAKSHMINARAYANAN, J.

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C.R.P.(PD).No. 1747 of 2024



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C.R.P.(PD).No. 1747 of 2024

20.08.2024