



W.P(MD)No.28711 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.28711 of 2024

and

W.M.P(MD)Nos.24340 & 24341 of 2024

Thennarasu

... Petitioner

Vs

1.The District Collector,
Sivagangai Collector Office,
Sivagangai District – 630 562.

2.The Tahsildar,
Office of the Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District – 630 610.

3.The Executive Engineer,
Public Works Department and
Water Resource Department,
Sarukani River Basin Division,
Sivagangai District – 630 562.

4.The Assistant Engineer,
Office of the Assistant Engineer,
Thiruppuvanam,
Sivagangai District – 630 610.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire relevant records of the impugned election notification issued by the first respondent in respect of Kothankulam and Thalikulam Ponds in Thiruppuvanam Taluk, Sivagangai District for the posts of



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'the President of Water usage Association' and 'members of the managing committee of the water users association' vide notification Na.Ka.No.G2/25614/2024, dated 09.11.2024 and quash the same and consequently directing the respondents to prepare proper voter list with include the petitioner's name in the same election based on the petitioner's representation dated 26.11.2024 within the stipulated time fixed by this Court.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.D.Gandhi Raj
Special Government Pleader

ORDER

This Writ Petition has been filed by the petitioner challenging the election notification issued by the first respondent dated 09.11.2024 in respect of Kothankulam and Thalikulam Ponds situated in Thiruppuvanam Taluk, Sivagangai District for the posts of 'the President of Water usage Association' and 'members of the managing committee of the water users association'.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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3.The petitioner is an agriculturist and owned agricultural lands comprised in Survey No.150/2C situated at Kothankulam Village, Thiruppuvanam Taluk, Sivagangai District. In order to conduct the election for the posts of 'the President of the Water Usage Association' and 'members of the managing committee of the Water Users Association', the first respondent issued a notification dated 09.11.2024. Accordingly, the last date to file nomination is on 21.11.2024 and withdrawal of nomination is on 22.11.2024 and the election will be held on 01.12.2024. The petitioner filed a nomination for the post of 'the President of the water usage association' in Konthankulam and Thalikulam Ponds before the first respondent. However, it was refused to receive by the first respondent.

4.The learned counsel appearing for the petitioner would submit that the petitioner being the agriculturists and pattadhars of the subject land is eligible to be contest in the election to the post of the President. However, the petitioner's name does not find a place in the voters list and as such, his nomination was not received by the first respondent.



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5. On perusal of the nomination submitted by the petitioner would reveal that the petitioner did not even whisper about the land details, in which the petitioner doing agricultural activities. He also failed to mention the serial number of voters in the voters' list. Therefore, in order to stall the election proceedings, the petitioner had simply threw Form No.5 without even filing the same before the first respondent. In fact, there is no proof to show that the petitioner submitted a nomination before the first respondent and thereafter, it was refused to receive by the first respondent. Even assuming that the petitioner's name was not found in the voters' list, the petitioner approached this Court at the fag end of the election day ie., the election to be conducted on 01.12.2024. In view of the above, this Court finds no infirmity or illegality in the election notification issued by the first respondent dated 09.11.2024. Hence, this Writ Petition is devoid of merits and the same is liable to be dismissed.



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6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

29.11.2024

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

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G.K.ILANTHIRAIYAN, J.

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Order made in
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