



WEB COPY

OA NO. 881 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-01-2025

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THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

OA NO. 881 of 2024

IN

ELP NO. 3 OF 2024

The Chief Electoral Officer
State of Tamil Nadu, Secretariate, Chennai - 600 009. and another

Applicant(s)

Vs

O.Panneerselvam
S/o.M.Ottakarathevar, No.145/70. South Agragaram, Thenkarai,
Peryakulam - 625 601, Theni District and 25 Others

Respondent(s)

For Applicant(s):

Mr.Nirangan Rajagopalan

For Respondent(s): Mr.K.Chandrasekaran for R1; Mr.T.S.Baskaran for R2

ORDER

This application has been filed by the 26th and 27th respondents in the Election Petition seeking to be struck off of as respondents in the Election Petition.

2.In the affidavit filed in support of the Judges Summons, it had been stated that, under

Section 82 of the Representation of the People Act, 1951 the contestants in the Election

Petition should necessarily be confined to the parties who had contested the election. This



position has been further reiterated by the Hon'ble Supreme Court in *AIR 198* in

Jyoti Basu & Others vs. Debi Goshal & Others wherein, the Hon'ble Supreme Court had also

observed that the persons who had contested the elections, should be parties to the Election

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Petition and it is not imperative that anybody else is joined as party as respondent. The

applicants therefore claim that they should be struck off from the array of the respondents.

3. Heard the learned counsel for the petitioners in the Election Petition also.

4. In view of the provisions of law as stated above and also the pronouncement of the Hon'ble

Supreme Court, the petition stands allowed. But however, a caveat is placed, that the

applicants herein must always come forward to assist the Court as and when required and as

and when called for by this Court. With this observation, this application stands allowed.

24-01-2025

(1/2)

ssr