



W.P.(MD).Nos.6616 to 6618 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.02.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).Nos.6616 to 6618 of 2022
and
W.M.P.(MD).Nos.5108 to 5116 of 2022

W.P.(MD).No.6616 of 2022:

K.Balakrishnan

.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer / Election Officer,
O/o.the Revenue Divisional Officer,
Paramakudi Taluk,
Ramanathapuram District.

3.The District Sub - Divisional Officer / Election Officer,
O/o.the District Sub - Divisional Officer,
Water and Resource,
Paramakudi Taluk,
Ramanathapuram District.

4.The Tahsildar,
O/o.the Tahsildar Office,
Paramakudi Taluk,
Ramanathapuram District.

.. Respondents



W.P.(MD).Nos.6616 to 6618 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent vide his proceedings Nil dated Nil and quash the same as illegal insofar as non inclusion of the petitioner's name in the final list of contesting candidates and consequently to direct the respondents to conduct the election in a fair and transparent manner including the name of the petitioner as a contesting candidate for the post of President of the Parthibanur Kanmai Water Users Association within the period that may be stipulated by this Court.

W.P.(MD).No.6617 of 2022:

K.Periya Karuppan

.. Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer / Election Officer,
O/o.the Revenue Divisional Officer,
Paramakudi Taluk,
Ramanathapuram District.
- 3.The District Sub - Divisional Officer / Election Officer,
O/o.the District Sub - Divisional Officer,
Water and Resource,
Paramakudi Taluk, Ramanathapuram District.
- 4.The Tahsildar,
O/o.the Tahsildar Office,
Paramakudi Taluk,
Ramanathapuram District.

.. Respondents



W.P.(MD).Nos.6616 to 6618 of 2022

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W.P.(MD).No.6618 of 2022:

P.Ganesan

.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer / Election Officer,
O/o.the Revenue Divisional Officer,
Paramakudi Taluk,
Ramanathapuram District.

3.The District Sub - Divisional Officer / Election Officer,
O/o.the District Sub - Divisional Officer,
Water and Resource,
Paramakudi Taluk,
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4.The Tahsildar,
O/o.the Tahsildar Office,
Paramakudi Taluk,
Ramanathapuram District.

.. Respondents



W.P.(MD).Nos.6616 to 6618 of 2022

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For Petitioner : Ms.A.Ashika
for M/s.Ajmal Associates
For R-1 to R-4 : Mr.A.Kannan
Additional Government Pleader
(In all cases)

COMMON ORDER

These three Writ Petitions challenge the manner in which elections were conducted to the Water Users Associations by the second respondent. The three petitioners are registered Ayakattudars of Parthibanoor Kanmai, Pidaseri Kanmai and P.Puthur Kanmai. The petitioners applied for contesting the elections to the aforesaid Kanmais Water Users Association. Their nominations were received by the second respondent.



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2. The grievance of the petitioner in W.P.(MD).No.6616 of 2022 is that though he had paid Rs.300/- to contest for the post of President. Yet, his nomination papers were not considered for the said post. The final list of contesting candidates shows the petitioner as contesting for the post of a member. Aggrieved by the same, he has moved the aforesaid Writ Petition.

3. The petitioner in W.P.(MD).No.6617 of 2022 pleads that he had applied to the post of President of Pidaseri Kanmai, for which he is an Ayakattudar. Though he had filed his nomination papers in accordance with law for the post of President, to his shock and surprise when the second respondent released the final list of nominations, his name was not found as one of the contestants.

4. The petitioner in W.P.(MD).No.6618 of 2022 has a similar grievance. He is an Ayakattudar of P.Puthur Kanmai. He also submitted his nomination papers for the post of President of the Water Users Association on 31.03.2022 and had paid the requisite fees. But, when the impugned order was released, he found that one Ganesan, who had filed his nomination only for the post of a member, had been declared to be contesting as the President. Therefore, placing reliance upon the Tamil Nadu Farmers' Management of Irrigation System



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Election Rules of 2003, the petitioners have moved these Writ Petitions.

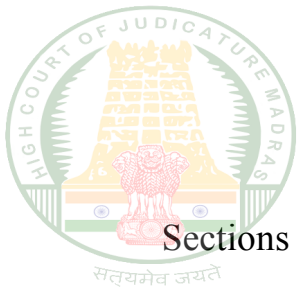
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5. This Court entertained the Writ Petitions in the year 2022 and granted an interim order restraining further process of the election. When the matter came up before me on 07.02.2025, I called upon Mr.A.Kannan, learned Additional Government Pleader, to produce the records relating to the election of the three Kanmais. The records have also been placed before this Court.

6. I heard Ms.A.Asika for the petitioners and Mr.A.Kannan, learned Additional Government Pleader for the respondents.

7. A perusal of the files shows that two of the petitioners had applied for the post of President. However, in the nomination papers, the posts have been struck off and it has been shown as if they have applied for being elected as a Member. The records do not reveal any counter signature from the petitioners in order to stand by the corrections that has been made to the nomination.

8. The manner and conduct of elections are governed by the Rules, on which reliance has been placed by Ms.Asika. The Rules are not executive in nature, but have a statutory flavour. They have been framed in exercise of



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Sections 5, 8, 11, 19 read with Section 50 of the Tamil Nadu Farmers' Management of Irrigation Systems Act of 2000. The relevant rules with regard to nomination are Rules 15 and 16. Under Rule 15, it is the duty of the second respondent to publish a list of nominations in his office with a notice that the nomination papers will be taken up for scrutiny at the specified place, time and date. Rule 16 further directs that the candidates can attend the office of the Returning Officer at the time of scrutiny.

9. The scope of rejection of a nomination is also given under Rule 16(2).

A nomination can be rejected under the following circumstances.

(i) that the candidate is not eligible for election in terms of Section 17 of the Act;

(ii) that the name of the candidate or his proposer is not found in the electoral roll; and

(iii) that the signature of the candidate or the proposer in the nomination paper is not genuine.

The proviso also contemplates a situation, where a candidate's nomination cannot be rejected for an incorrect description of the name of the candidate or his proposer, if the identity of the candidate or the proposer can be established beyond reasonable doubt. Apart from these three circumstances, the Returning



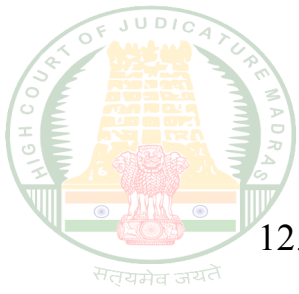
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Officer has no role at the time of scrutiny of the nominations.

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10. As I pointed out above, the petitioners had filed their nominations to the post of President. The photostat copies of their nomination have been enclosed along with the typed set of papers. It is surprising that the original records reveal that for a person, who has filed his nomination to the post of President and has also paid the appropriate fee for the said post (For President – Rs.300/-; For Member – Rs.200/-), some third party has corrected the nomination from that of a President to a Member. The Returning Officer owes a duty to maintain the purity of nomination papers. It is possible that the petitioners themselves could have made the correction. If that be the situation, the Returning Officer should have taken a counter signature of the party on their correction so made. The records do not reveal the same. Therefore, I have to conclude the purity of the election, that is required to be maintained under the Act and the Rules, has not been followed by the second respondent.

11. As this Court had granted an interim order restraining the respondents from proceeding further with the election, no rights have accrued in favour of third parties. That being the situation, I have no other option than to allow the Writ Petitions. Consequently, all the three Writ Petitions are allowed.



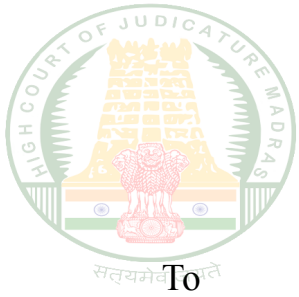
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12. Nominations were called for in the year 2022 and we are now in the year 2025. Hence, to call upon the second respondent to conduct elections on the basis of the tampered nomination forms would not be in the interest of justice. The second respondent is directed to call for fresh nominations in terms of the Rules, strictly comply with the same and hold the elections for the three Farmer Irrigation Committees.

13. The statement of Mr.A.Kannan that fresh nominations will be called for within a period of two (2) weeks from the date on which this order is uploaded, is recorded. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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V.LAKSHMINARAYANAN,J.

Lm

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