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W.P.(MD)NO.24008 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.24008 of 2025 AND
W.M.P.(MD)No.18830 of 2025

K.S.Dhamodharan

... Petitioner

Vs.

1. The Chief Electoral Officer,
Principal Secretary to Government,
Public (Election IT) and Department,
Secretariat, St.George Fort,
Chennai – 600 009.

2. The District Election Officer &
Collector of Theni District,
Collectorate, Theni.

3. The Electoral Registration Officer &
Revenue Division Officer,
Periyakulam,
Theni District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling upon the relevant records of the second respondent which culminated in the issuance of the impugned order passed in Rc.No. 34752/2018/G1, dated 30.07.2024 on the file of the second respondent and quash the same and direct the respondents to release the balance of the petitioner's legitimate legal remuneration



of Rs.2,56,170/- for the services rendered by the petitioner, with respect to the criminal cases, in C.C.Nos.11, 12, 13 & 14 of 2006 on the file of the District Munsif cum Judicial Magistrate, Andipatti, together with interest at the rate of 18% in terms of the G.O.Ms. No.754 Home (Courts I) dated 12.06.1998 and G.O.Ms.No.36 dated 12.01.2011 Home (Courts VI A) Department.

For Petitioner : Mr.S.Kadarkarai

For Respondents : Mr.Niranjan Rajagopalan

* * *

ORDER

Heard both sides.

2. The writ petitioner is a practising lawyer. The District Collector, Theni (District Election Officer) appointed the writ petitioner to prosecute the criminal complaints filed by the returning officer, Andipatti Assembly Constituency. As many as four cases were filed and prosecuted. The grievance of the writ petitioner is that apart from hearing fees, he was also entitled to be paid monthly fees of Rs.5,000/-. The petitioner would claim that only on 30.07.2024, he was terminated and that he was entitled to be paid till date of



termination. He would further add that he could not have been terminated with retrospective effect. According to him, a further sum of Rs.2,56,170/- has to be paid. Since his request was rejected by the second respondent, the present writ petition came to be filed.

3. The learned counsel for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to quash the impugned order and grant relief as prayed for.

4. The respondents have filed counter affidavit and the learned Standing counsel took me through its contents. According to the learned Standing counsel, there is no merit in the writ petitioner's demand.

5. I carefully considered the rival contentions and went through the materials on record.

6. The order dated 17.08.2007 issued by the District Collector, Theni appointing the writ petitioner and other counsel reads as follows:-



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In order to defend the case in the court the following advocates are hereby nominated as detailed below:

S.No	Name of the Court where case filed	Name of the Advocate and address and defend the case.
01.	Judicial Magistrate Court, Kodaikanal (131. Periyakulam Assembly Constituency)	Thiru Abdul Mughal Hameed, B.A.B.L. Advocate, No.7/200, Anna Salai, Kodaikanal.
02.	Judicial Magistrate Court, Periyakulam (131. Periyakulam Assembly Constituency)	Thiru.Nagendra Kumar, B.Com. B.L. Advocate, 34, Muthalamman Kovil Street, Vadapalai, Periyakulam - 625 601.
03.	Judicial Magistrate Court, Theni (132. Theni Assembly Constituency)	Thiru.Gunasekaran, B.A.B.L., Advocate, 8, Kumar Street, Vadakalai, Periyakulam - 625 601.
04.	Judicial Magistrate cum District Munsiff Court, Andipatty (135. Andipatty Assembly Constituency)	Thiru.K.S.Dhamodharan, B.A.B.L., Advocate, (Notary), Jothi Complex, 356B, Madurai Road, Near Railway Gate, Arannanalpudur Vilakur, Theni
05.	Judicial Magistrate Court, Bodinayakanur (133. Bodinayakanur Assembly Constituency)	Thiru.P.Ganesan, B.A.B.L., Enrolment No.1057/93, S/o.K.Perumal, Theindal Nagar, Near M.L.A. Office, Bodinayakanur.
06.	Judicial Magistrate Court, Uthamapalayam (134. Uthamapalayam Assembly Constituency)	Thiru.P.Karuppesamy, B.A.B.L., Advocate, D.No.4,4,122A, Water Tank Street, Thomas Colony, Uthamapalayam.

The above mentioned advocates are requested to appear in the respective courts and defend the case on behalf of Election Commission and send the status of the cases to this office then and there. The pleaders fee will be paid as per the norms fixed by the Government.

Sd/-Har Saijay Meena
District Election Officer
and
District Collector, Theni

To:
The individuals.
Copy to: the Electoral Registration Officer and Sub Collector, Periyakulam.
Copy to: the Electoral Registration Officer and Revenue Divisional Officer, Uthamapalayam.
Copy to: the Judicial Magistrate, Theni / Periyakulam / Bodinayakanur / Uthamapalayam, Kodaikanal.
Copy to: the Judicial Magistrate cum District Munsiff, Andipatty.
Copy to: Chief Judicial Magistrate, Theni
Spare : 2. Tahsildar, Kodaikanal.

It is also not in dispute that the writ petitioner had handled only four



cases. They are C.C.Nos.11, 12, 13 and 14 of 2006.

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7. It is not in dispute that all these four cases, ended on 15.10.2019. The writ petitioner was not appointed as a Standing counsel for the Election Commission in Andipatti Court. The only purpose of appointing him was to prosecute the aforementioned four cases. The moment the cases ended, the relationship between the writ petitioner and the election commission also came to an end. While termination with the retrospective effect does not appear to be in order, termination itself was wholly unnecessary. After the cases are over, the question of revoking Vakalat does not arise at all.

8. The learned Standing counsel confirms that the petitioner's fees has already been settled. The order impugned in this writ petition is sustained. This writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

PMU

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