



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

OA Nos. 308 & 211 of 2026

in

ELP No. 3 of 2024

O.Panneerselvam

..Applicant(s) in both
applications

Vs

1. Navaskani. K
2. Sivanandam.N
3. Jayaperumal.P
4. Abubakkar Sithick.J
5. Dr. Chandra Prabha Jeyapal
6. Selvaraj . G
7. Parirajan. C
8. Manivasagam. S
9. Kannadhasan. R
- 10.Sasikani. K
- 11.Sathuragiri. K
- 12.Saleem
- 13.Sikkandar. B
- 14.Sivashankar . N
- 15.Senthilmallar . K



16.Nawaskhan

17.Panchavarnam . V

18.Panneerselvam. O

19.Pannerselvam. O

20.Panneerselvam . O

21.Panneerselvam . O

22.Pannerselvam. M

23.Muvith Kumar. N

24.Vignesh . V

25.B. Vishnuchandran, IAS

The Returning Officer/ District Collector,
District Collector Office, No.35
Ramanathapuram Parliamentary Constituency,
Ramanathapuram, Ramanathapuram District.

(Respondents 26 & 27 strike off as per order
dated 24.01.2025 in appln.No.881 of 2024)

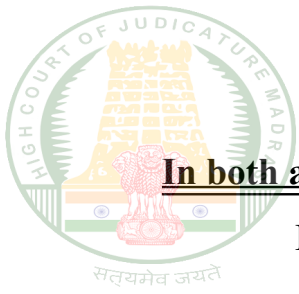
..Respondent(s) in both
applications

OA No. 308 of 2026

To amend the cause title in Appln. No.211 of 2026 in the Election Petition No.3 of 2024 by impleading The Chief Electoral Officer, State of Tamil Nadu, Secretariat, Chennai-600 009 as Respondent No.26, and The Election Commission of India, represented by its Chief Election Commissioner, Nirvachan Sadan, Ashoka Road, New Delhi-110 001 as Respondent No.27.

OA No. 211 of 2026

To grant leave to withdraw the Election Petition No.3 of 2024.



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In both applications:

For Applicant(s):

Mr.S.Elam Bharathi
for Mr.K. Chandrasekaran

For Respondent(s):

Mr.T.S.Baskaran for R1
Mr.P.Vijendran for R15
Mr.Niranjan Rajagopalan for
M/s.G.R.Associates for R26 & R27

COMMON ORDER

This application has been filed by the Election Petitioner under Section 109 of the Representation of the People Act, 1951 seeking leave to withdraw E.P.No.3 of 2024. The Election Petition had been contested by the first respondent. The learned counsel for the first respondent has made the following endorsement in OA No. 211 of 2026.

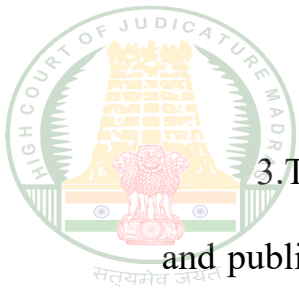
The 1st respondent is not filing any counter in this application.

2.Section 109 of the Representation of the People Act, 1951 is as follows:

109. Withdrawal of election petitions.-

(1) An election petition may be withdrawn only by leave of the High Court.

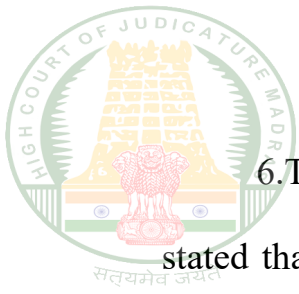
(2) Where an application for withdrawal is made under sub-section (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Official Gazette.



3. The provision envisages fixing a date for the hearing of the application and publication in the Official Gazette. To clarify the position of law and the procedure, this Court has insisted the Election Petitioner to file an application to implead the Chief Electoral Officer, State of Tamil Nadu and the Election Commission of India represented by the Chief Election Commissioner at New Delhi as further respondents in this petition. Accordingly, O.A.No.308 of 2026 had been filed.

4. Mr. Niranjan Rajagopalan, learned counsel for the proposed respondents pointed out that the said respondents had been initially impleaded in the Election Petition and thereafter, on petition being filed stating that they were not necessary parties to the Election Petition, they had been deleted from the list of array of respondents. The learned counsel also stated that it is only the respondents to the Election Petition who should be heard in an application filed seeking leave to withdraw the Election Petition and none others.

5. However, this Court should place its appreciation for the submissions made by the learned counsel Mr. Niranjan Rajagopalan who pointed out that under Section 109 (2), a publication should be effected in the Official Gazette fixing a date of hearing of the application. In view of the submission that the proposed respondents are not necessary parties, O.A.No.308 of 2026 stands dismissed.



6.The learned counsel for the Election Petitioner Mr.S.Elambharathi stated that publication in the Official Gazette should be directed by this Court and the hearing date should be stipulated.

7.Accordingly, a direction is issued to the Election Petitioner to take appropriate steps to ensure that publication is effected regarding the application in O.A.No.211 of 2026 seeking leave to withdraw the Election Petition No.3 of 2024 filed by him questioning the election of the first respondent in the Ramanathapuram Parliamentary Constituency. In the publication, it should be stated that the hearing date of the application would be 05.06.2026.

8.List the matter again on 05.06.2026 to report compliance of such publication and to produce the copy of the said publication.

10-04-2026

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To
B. Vishnuchandran, IAS
The Returning Officer/ District Collector,
District Collector Office, No.35
Ramanathapuram Parliamentary Constituency,
Ramanathapuram, Ramanathapuram District.



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OA No. 308 of 2



C.V.KARTHIKEYAN J.

SLI

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