



W.P.No.14345 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.14345 of 2026

and WMP Nos.15564, 15563 and 15562 of 2026

M.Surendar
S/o.Muthusami,
No.667, Govindhasami Nagar,
Annamalai Nagar, Uthamasozhapuram,
Chidambaram Taluk, Cuddalore District.

Petitioner(s)

Vs

1. The Chief Election Commissioner,
Tamilnadu Election Commission,
Secretariat, Fort st. George,
Chennai-09
2. The District Collector cum
District Election Officer,
Cuddalore District, Cuddalore.
3. The Returning Officer,
158, Chidambaram Assembly,
Constituency and Sub Collector,
Chidambaram, Cuddalore District.

Respondent(s)



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records relating to the impugned rejection notification dated 07.04.2026 for the 158 Chidambaram Assembly and to quash the same, and to consequently directing the respondents to include the name of the petitioner as the valid candidate list for the General Election scheduled on 23.04.2026.

For Petitioner(s): Mr.V.C.Janardhanam
for Mr.C.Prabakaran

For Respondent(s): Mr.Niranjan Rajagopalan
Standing Counsel

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Calling into question the rejection notification dated 7.4.2026, by which the nomination filed by the petitioner was rejected, the present writ petition is filed. A further direction is sought to include the name of the petitioner in the list of valid candidates for the General Election scheduled on 23.4.2026.

2.1. Learned counsel for the petitioner submitted that the rejection of nomination of the petitioner was on the ground that the



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petitioner has not marked "Tick" in the fifth column (i) or (ii). He added that the petitioner has disclosed the details of the criminal cases pending against him and non-marking of "Tick" was due to inadvertence and, therefore, the rejection of nomination by the third respondent is unconstitutional. He further submitted that, in any event, there is no suppression of fact regarding criminal cases.

2.2. Learned counsel for the petitioner further submitted that as per Section 36(4) of the Representation of the People Act, 1951, the Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character. However, the nomination of the petitioner was rejected owing to simple defects and, therefore, the rejection is liable to be set aside.

2.3. In support of the aforesaid submissions, learned counsel for the petitioner placed reliance on the decisions of the Supreme Court in (i) *Election Commission of India v. Ashok Kumar and others*¹; and (ii) *Kisan Shankar Kathore v. Arun Dattatray Sawant and others*².

¹ (2000) 8 SCC 216

² (2014) 14 SCC 162



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3. Per contra, learned Standing Counsel for the respondents submitted that a writ petition challenging the alleged improper rejection of nomination papers is not maintainable, as the jurisdiction of the High Court in such matters stands excluded by Article 329 of the Constitution of India. To fortify the said plea, reliance is placed on a decision of the Supreme Court in *N.P.Ponnuswami v. Returning Officer, Namakkal Constituency and others*³.

4. It is apposite to refer to the following provisions:

"Article 329(b) of the Constitution of India:

329. Bar to interference by Courts in electoral matters.-

Notwithstanding anything in this Constitution—

(a) ...

(b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such

³ (1952) 1 SCC 94



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manner as may be provided for by or under any law made by the appropriate Legislature.”

"Section 100(1)(c) of the Representation of the People Act, 1951

100. Grounds for declaring election to be void.—

(1) Subject to the provisions of sub-section (2) if the High court is of opinion—

(a) or (b) ...; or

(c) that any nomination has been improperly rejected...”

5. A Constitution Bench of the Supreme Court on interpreting the provisions of the Constitution of India and Representation of the People Act, 1951, in *N.P.Ponnuswami v. Returning Officer, Namakkal Constituency and others* held thus:

"20. It was argued that since the Representation of the People Act was enacted subject to the provisions of the Constitution, it cannot bar the jurisdiction of the High Court to issue writs under Article 226 of the Constitution. This argument however is completely shut out by reading the Act along with Article 329(b). It will be noticed



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that the language used in that article and in Section 80 of the Act is almost identical, with this difference only that the article is preceded by the words "notwithstanding anything in this Constitution". I think that those words are quite apt to exclude the jurisdiction of the High Court to deal with any matter which may arise while the elections are in progress."

[emphasis supplied]

6. While considering an identical challenge rejecting the nomination, referring to the aforesaid decision of the Supreme Court, a Division Bench of this Court in *M.Shanmugasundaram v. The Chief Election Commissioner and others*⁴, held thus:

"7. Clause (b) of Article 329 is very clear on this point. It is manifest that no election to either House of Parliament or to the House or either House of the Legislature of State shall be called in question except by an election Petition presented before the authority empowered under the law.

8. Section 100 of the Representation of People Act, 1950, lays down the ground for declaring the election to be void. One of the grounds for

⁴ (2011) 4 CTC 766



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declaring election to be void is the rejection of the nomination improperly.

9. In our opinion, the instant case is squarely covered by the Constitution Bench judgment of the Supreme Court in the case of *N.P. Ponnuswami v. Returning Officer, Namakkal Constituency, Namakkal*, (1952) 1 SCC 94 : AIR 1952 SC 64.

10. After giving our anxious consideration, we are of the definite opinion that the question regarding the improper rejection of nomination cannot be gone into by this Court in exercise of Writ jurisdiction under Article 226 of the Constitution. ... "

[emphasis supplied]

7. It is trite that once the election process has commenced with the issuance of election notification, the invocation of judicial remedy has to be postponed till the completion of proceedings in elections.

8. Even though learned counsel for the petitioner submitted that the defect is not of a substantial character, in view of the



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constitutional bar and Constitution Bench judgment of the Apex Court in *N.P.Ponnuswami v. Returning Officer, Namakkal Constituency and others* (supra) and the decision of a co-equal bench of this court in *M.Shanmugasundaram v. The Chief Election Commissioner and others* (supra), we are not inclined to invoke our jurisdiction under Article 226 of the Constitution of India. That apart, Section 100(1)(c) of the Representation of the People Act, 1951 stipulates that improper rejection of nomination is a ground to declare the election void. It is for the petitioner to work out his remedy at an appropriate stage before the appropriate forum in accordance with law.

For the aforegiven reasons, the writ petition is dismissed. There shall be no order as to costs. Consequently, interim applications stand closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
09.04.2026

Index : Yes/No
Neutral Citation : Yes/No
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