



W.P.(MD)No.10505 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.10505 of 2026

and

W.M.P.(MD)Nos.8214, 8215 & 8216 of 2026

T.Kannan,
S/o.K.Thayumanavan,
6-3-2, Pajaimada Street,
Genguvarpatty - 625 023.
Theni District.

Petitioner(s)

Vs

- 1.The Chief Election Commissioner of India,
Election Commission Of India,
Nirvachansadan, Ashok Nagar,
New Delhi - 110 001.
- 2.The Chief Electoral Officer of Tamil Nadu,
Public (Election) Department,
Secretariat, Fort. St.George,
Chennai - 600 009.
- 3.The Returning Officer cum District Supply
and Consumer Protection Officer, Theni,
No.200, Bodinayakkanur Assembly
Constituency, Bodinayakkanur - 625 513.



W.P.(MD)No.10505 of 2026

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 order made in Proceedings No.Nil dated 07.04.2026, passed by the 3rd respondent, and quash the same as unconstitutional and without jurisdiction and consequently direct the 3rd respondent to accept the nomination submitted by the petitioner and to include the name of the petitioner in the list of candidates for No. 200, Bodinayakkanur Assembly Constituency in the General Election to the Tamil Nadu Legislative Assembly 2026.

For Petitioner(s): Mr.M.Sathiamoorthy

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

ORDER

(Order of the Court was made by G.ARUL MURUGAN, J.)

Calling into question the rejection order dated 07.04.2026, 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 23.04.2026.



W.P.(MD)No.10505 of 2026

2.1. Learned counsel for the petitioner submitted that the rejection of nomination of the petitioner was on the ground that as the petitioner is working as Superintendent of the District Library, Theni, it falls under the "office of profit" and therefore, in view of the disqualification provided under Articles 102(1) and 191(1) of the Constitution of India, the nomination has been rejected. He further submitted that the impugned rejection of nomination is beyond the powers of the Returning Officer, where his power is restricted to verify only the qualifications as prescribed under Article 173 of the Constitution of India. It is his further contention that since the petitioner is employed under Local Library Authority, which is a body corporate constituted under the Tamil Nadu Public Libraries Act, 1948, it cannot be construed as an office of profit under the State Government and therefore, the rejection of nomination by the 3rd respondent is unconstitutional.

2.2. Learned counsel for the petitioner further submitted that even during parliamentary election in the year 2024, he had filed W.P. (MD)No.8690 of 2024, but, however, due to want of time as polling by postal ballot had already commenced, the petition was dismissed by relegating the petitioner to file an election petition.



W.P.(MD)No.10505 of 2026

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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.

3. Per contra, learned Standing Counsel for the respondents submitted that since the petitioner even as per his nomination is serving as Superintendent of District Library, Theni, in view of his disqualification, as he is under office of profit, the nomination has been directly rejected. He further 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:

1 (2000) 8 SCC 216

2 (2014) 14 SCC 162

3 (1952) 1 SCC 94



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W.P.(MD)No.10505 of 2026

"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 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



W.P.(MD)No.10505 of 2026

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 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:

⁴ (2011) 4 CTC 766



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W.P.(MD)No.10505 of 2026

"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 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]



W.P.(MD)No.10505 of 2026

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. As such, in view of the 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. Further admittedly, the same issue was already decided against the petitioner, during the parliamentary election in the year 2024, as he can only work out his remedy by way of election petition and therefore, the present petition is not sustainable.

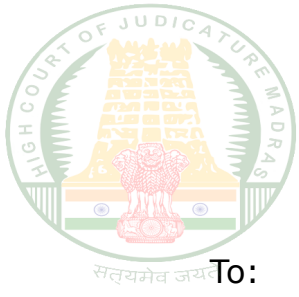


W.P.(MD)No.10505 of 2026

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

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
17.04.2026

Index : Yes/No
Neutral Citation : Yes/No
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W.P.(MD)No.10505 of 2026

To:

WEB COPY

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WEB COPY



W.P.(MD)No.10505 of 2026

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