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W.P. No.16027 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2026

CORAM :

THE HONOURABLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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K.Sidharthan,
S/o.Kalia Perumal
(Voter ID No.HNK1766518)
No.101, Ward No.8, North Street
Chidhambaram,
Cuddalore District - 608001.

.. Petitioner(s)

Vs

1.The Chief Electoral Officer,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The District Election Officer,
District Collector's Office,
Cuddalore District.

.. Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondents to include the petitioner's name in the revised voter list by allowing him to vote in the upcoming Tamilnadu Assembly Election dated 23.04.2026 in Chidhambaram Assembly Constituency number 158, Zone (Bagam) No.202, having Door No.101, Ward No.8, North Street, Chidhambaram (C), Cuddalore District.



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For Petitioner(s): Mr.C.Kanagaraj

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

ORDER

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

The writ petition is filed seeking for a direction to the respondents to include the petitioner's name in the revised voter list and allow him to vote in the upcoming Tamilnadu Assembly Election to be conducted on 23.04.2026 in Chidhambaram Assembly Constituency.

2. It is the case of the petitioner that he is the resident of Ward No.8, North Street, Chidhambaram, having been issued a voter ID Card bearing No.HNK1766518. During the enumeration process under the Serious Intensive Revision (SIR), the petitioner had submitted the enumeration form and in the draft voter list published, the petitioner's name was found in Serial No.334 in the Chidhambaram Constituency on 19.12.2025. Further, even in the revised voter list issued on 23.02.2026, the petitioner's name found place in the electoral roll. However, in the revised final list issued on 01.04.2026, for no reason the name of the petitioner was deleted. Hence, the petitioner had come up with the present writ petition.



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3. The learned counsel appearing for the petitioner contended that, by deletion of the petitioner's name from the voter list, the fundamental right guaranteed under Articles 19 and 21 of the Constitution of India is deprived. He further submitted that, due to the mistake committed by the respondents, the democratic right of the petitioner is impinged and taken away. He further submitted that when the petitioner's mother died in the month of February, her name continued to be in the electoral roll. But the name of the petitioner that was present in the draft list has been deleted in the final list, which has to be necessarily corrected by the respondents and the petitioner be allowed to vote in the upcoming election. He had taken recourse to the decision taken by the Division Bench of the Gujarat High Court in **Jayesh Batukbhai Patel (Vanani) v. State of Gujarat & Ors. [2026 SCC OnLine Guj 1874]**.

4. Mr.Niranjan Rajagopalan, learned Standing Counsel appearing for the respondents argued that, whatever be the reasons for the deletion of the petitioner's name, when the name of the petitioner is not available in the final voter list published, there cannot be any inclusion of name in the electoral roll after the last date for making nominations for elections in that constituency.



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5. By referring to Section 23(3) of the Representation of the People Act, 1950, the learned counsel submitted that the provision bars any amendment and no direction for inclusion of name in the electoral roll of a constituency shall be given after the last date for making nominations for an election in the respective constituency. When the election notification has already been issued and the last date for filing of the nomination had lapsed, the claim of the petitioner cannot be allowed at this stage and his name could be included only after the election process is over.

6. In support of his contention, he relied on the decision of the Hon'ble Supreme Court in the case of ***P.T.Rajan v. T.P.M Sahir and Ors. [(2003) 8 SCC 498]*** and the Constitutional Bench of the Hon'ble Supreme Court in the case of ***Lakshmi Charan Sen v. A.K.M.Hassan Uzzaman [(1985) 4 SCC 689]***.

7. Heard the rival submissions and considered the materials available on record.



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8. The Representation of the People Act, 1950 deals with the allocation of seats and delimitation of constituencies for the purpose of election in the house of people and the legislatures of states. The voters' qualifications, preparation of electoral rolls and manner of filling seats are also dealt with.

9. Section 21 of the Act deals with the preparation and revision of electoral rolls. After the electoral roll is prepared as contemplated in Section 21, Section 22 of the Act deals with the correction of entries in the electoral rolls and Section 23 deals with the inclusion of names in electoral rolls.

10. For easy reference, Sections 22 and 23 of the Act are reproduced hereunder;

"22. Correction of entries in electoral rolls.-*If the electoral registration officer for a constituency, on application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the electoral roll of the constituency—*

- (a) is erroneous or defective in any particular,*
- (b) should be transposed to another place in the roll on the ground that the person concerned has changed his place of ordinary residence within the constituency, or*



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(c) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident in the constituency or is otherwise not entitled to be registered in that roll, the electoral registration officer shall, subject to such general or special direction, if any, as may be given by the Election Commission in this behalf, amend, transpose or delete the entry [after proper verification of facts in such manner as may be prescribed]:

Provided that before taking any action on any ground under clause (a) or clause (b) or any action under clause (c) on the ground that the person concerned has ceased to be ordinarily resident in the constituency or that he is otherwise not entitled to be registered in the electoral roll of that constituency, the electoral registration officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him [after proper verification of facts in such manner as may be prescribed].

23. Inclusion of names in electoral rolls.-(1) Any person whose name is not included in the electoral roll of a constituency may apply to the electoral registration officer for the inclusion of his name in that roll.



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(2) *The electoral registration officer shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct his name to be included therein [after proper verification of facts in such manner as may be prescribed]:*

Provided that if the applicant is registered in the electoral roll of any other constituency, the electoral registration officer shall inform the electoral registration officer of that other constituency and that officer shall, on receipt of the information, strike off the applicant's name from that roll [after proper verification of facts in such manner as may be prescribed].

(3) *No amendment, transposition or deletion of any entry shall be made under section 22 and no direction for the inclusion of a name in the electoral roll of a constituency shall be given under this section, after the last date for making nominations for an election in that constituency or in the Parliamentary constituency within which that constituency is comprised and before the completion of that election.*

(4) *The electoral registration officer may for the purpose of establishing the identity of any person require that such person may furnish the Aadhaar number given by the Unique Identification Authority of India as per the provisions of the*



Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016):

Provided that the electoral registration officer may also require the Aadhaar number from persons already included in the electoral roll for the purposes of authentication of entries in electoral roll and to identify registration of name of the same person in the electoral roll of more than one constituency or more than once in the same constituency.

(5) Every person whose name is included in the electoral roll may intimate his Aadhaar number to such authority in such form and manner as may be prescribed, on or before a date to be notified by the Central Government in the Official Gazette.

(6) No application for inclusion of name in the electoral roll shall be denied and no entries in the electoral roll shall be deleted for inability of an individual to furnish or intimate Aadhaar number due to such sufficient cause as may be prescribed:

Provided that such individual may be allowed to furnish such other alternate documents as may be prescribed."

11. As per Section 23(3) of the Act, no amendment, transposition, or deletion of any entry shall be made under Section 22



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and further, no direction for inclusion of a name in the electoral roll of a constituency shall be given after the last date for making nominations for the election in that constituency. Therefore, once the last date for making nominations for the election in that constituency is over, there cannot be any addition or modification by making an entry in the final voter list published.

12. In this regard, it is useful to refer to the decision cited by the respondents in the case of **P.T.Rajan** (supra). The relevant portion is extracted hereunder;

*"44. An order on such application, therefore, was required to be passed in terms of Section 22 of the 1950 Act read with the relevant provisions of the 1960 Rules immediately prior to 3 p.m. of the specified date for filing nominations. Once such directions are issued, evidently, publication of the list in terms of Form 16 would be only upon incorporation of directions for making amendment, transposition or deletion of names. Whenever publication of electoral roll is made in Form 16, necessary corrections have to be carried out in the mother roll. These are ministerial acts. **However, in the event any amendment, transposition or deletion is made after 3 p.m. the same would be invalid in law. By reason of any direction which is made after 3 p.m., neither any person whose***



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name has been added becomes entitled to vote nor a person whose name has been deleted becomes disentitled therefrom. The right of such a person to vote or not to vote must be determined in terms of the position of the electoral roll as it stood at 3 p.m. on the date of filing of the nominations.

45.

46.

47. The construction of a statute will depend on the purport and object for which the same had been used. In the instant case the 1960 Rules do not fix any time for publication of the electoral rolls. ***On the other hand Section 23(3) of the 1950 Act categorically mandates that direction can be issued for revision in the electoral roll by way of amendment in inclusion and deletion from the electoral roll till the date specified for filing nomination. The electoral roll as revised by reason of such directions can therefore be amended only thereafter.*** On the basis of direction issued by the competent authority in relation to an application filed for inclusion of a voter's name, a nomination can be filed. The person concerned, therefore, would not be inconvenienced or in any way be prejudiced only because the revised electoral roll in Form 16 is published a few hours later. The result of filing of such nomination would become known to the parties concerned also after 3.00 p.m."



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13. Further, the Constitutional Bench of the Hon'ble Supreme Court in the case of **Lakshmi Charan Sen** (supra), held that the election has to be conducted on the basis of the electoral roll, which is in force on the last date for making nominations. For better appreciation, the relevant paragraphs are extracted hereunder;

"18. Section 21 (3) of the Act of 1950 confers upon the Election Commission the power to direct a special revision of the electoral roll. The proviso to that sub-section also says that until the completion of the special revision so directed, the electoral roll for the time being in force shall continue to be in force. That proves the point that election laws abhor a vacuum. Insofar as the electoral rolls are concerned, there is never a moment in the life of a political community when some electoral roll or the other is not in force.

*19. Section 23(3) of the Act of 1950 also points in the same direction. Under that provision, no amendment, transposition or deletion of an entry can be made under Section 22 and no direction for the inclusion of a name in the electoral roll of a constituency can be given, after the last date for making nomination for an election in the particular constituency. **The election has to be held on the basis of the electoral roll which is in force on the last date for making nominations.** If that were not so, the easiest*



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expedient which could be resorted to for the purpose of postponing an election to the Legislature would be to file complaints and objections, omnibus or otherwise, which would take days and months to decide. It is not suggested that claims and objections filed in the prescribed form should not be decided promptly and in accordance with law. But, the important point which must be borne in mind is that whether or not a revision of an electoral roll is undertaken and, if undertaken, whether or not it is completed, the electoral roll for the time being in force must hold the field. Elections cannot be postponed for the reason that certain claims and objections have still remained to be disposed of. Then, claimants and objectors could even evade the acceptance of notices and thereby postpone indefinitely the decision thereon. The holding of elections to the Legislatures, which is a constitutional mandate, cannot be made to depend upon the volition of interested parties.

20. According to sub-rule (3) of Rule 23 of the Registration of Electors Rules, 1960, the "presentation of an appeal under this rule shall not have the effect of staying or postponing any action to be taken by the Registration Officer under Rule 22". Rule 22 imposes upon the Registration Officer the obligation to publish the electoral roll which, together with the list of amendments, becomes the electoral roll of the constituency. Thus, the fact that an appeal is pending under Rule 23(1) against the decision of a



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*Registration Officer under Rule 20, 21 or 21-A does not constitute an impediment to the publication of the roll and to the roll, upon such publication, coming into force. Rule 20 provides for inquiry into claims and objections; Rule 21 provides for inclusion of names which are left out of the roll owing to inadvertence or error; while, Rule 21-A provides for the deletion of names of dead persons and of persons who cease to be, or are not, ordinary residents of the particular constituency. **Notwithstanding the fact that the roll contains these errors and they have remained to be corrected, or that the appeals in respect thereof are still pending, the Registration Officer is under an obligation to publish the roll by virtue of Rule 22.***

*21. As a result of this discussion, it must follow that the fact that certain claims and objections are not finally disposed of, even assuming that they are filed in accordance with law, cannot arrest the process of election to the Legislature. **The election has to be held on the basis of the electoral roll which is in force on the last date for making nominations.***

14. In view of the bar under Section 23(3) of the Act and the decision of the Constitutional Bench of the Hon'ble Supreme Court, there can be no inclusion of a name in the electoral roll by an amendment or modification after the last date for making nominations



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for an election in that constituency and the elections are to be held only based on the final voter list published, which was available on the last date of filing of nominations.

15. The Election Commission has notified the Tamil Nadu Assembly Election on 30.03.2026 by issuing the election schedule. As per the schedule, the last date for filing nominations for all the constituencies throughout the State was on 06.04.2026. Now, the elections have to be held based on the final electoral list published, which was available on the last date of filing of the nominations for the elections on 06.04.2026.

16. In the decision of the Division Bench of the Gujarat High Court in **Jayesh Batukbhai** (supra) relied on by the learned counsel for the petitioner, the name of the petitioner therein was removed in the SIR process and upon the application made, the same was ordered to be included, which was even before the date of publication of the final list. As such, it does not support the facts of the present case.

17. Though the petitioner had been a voter in the Chidhambaram Assembly Constituency earlier, admittedly when the



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final electoral roll was published, the name of the petitioner did not find place in the electoral roll. Now, the last date for filing of nominations for the constituency had lapsed and therefore, the name of the petitioner cannot be included now. After the elections are over, it is for the petitioner to make necessary application and get his name included in the voter list.

18. In such circumstances, the relief as sought for by the petitioner cannot be allowed and accordingly, the writ petition stands dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN, J)
21.04.2026

Index : Yes/No
Neutral Citation : Yes/No
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To:

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