

In the Court of the Principal District Judge,
Principal District Court, Kancheepuram.

PRESENT: **Thiru Pa.U.Chemmal, M.A.,LL.M.,**
Principal District Judge,
Principal District Court ,
Kancheepuram.

Tuesday the 22nd day of April 2025

IA.No.6/2025 in Elec.O.P. No.77/2021

M. Anandhi

...Petitioner/Petitioner

Vs

1. The Tamilnadu State Election Commissioner
The Tamilnadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam, Chennai -600106.
2. The District Election Officer-cum-District Collector,
Kancheepuram District.
3. The Returning Officer cum Block Development Officer,
Block Development Office,
Kundrathur Union at Padappai,
Kancheepuram District 601 301.
4. N. Yuvaraj, S/o. Nataraj
5. Prabhakar S/o. Samuvel
6. M. Pichandi S/o. Munusamy

... Respondents/ Respondents

This petition is coming on 15.04.2025 for final hearing before me in the presence of M/s. P. Sivakumar, S. Karthikeyan and L. Ganesapandy, Counsels appearing for the Petitioner and Thiru.A.K. Ramesh, Government Pleader for 1 to 4 respondents and Thiru. Syed, Counsel appearing for the 5th and 6th respondents and upon hearing both sides and upon perusal of records and having stood over the matter for consideration till this day, this court delivered the following

ORDER

This petition is filed by the petitioner under Order 11 Rule 12 r/w Sec.151 of C.P.C. to make an appropriate order summoning the 3rd respondent directing him to produce the ballot sheets polled in the election of Ward Member for ward 3 of Manimangalam Village Panchayat and CCTV footage showing the counting of votes before this court pending disposal of the main case.

2) **The averments set out in the affidavit of the petitioner/ plaintiff in read as follows:**

The petitioner is the petitioner in Election OP.No. 77/2021. The petitioner has filed the above Election OP. No.77/2021 i) for declaring the counting and results announced on 12.10.2021 which was declared that the 4th respondent to be the winner of the election for the post of Ward Member for

Ward No.3 of Manimangalam Village Panchayat as null and void ii) order for recounting of votes polled in the election held on 09.10.2021 in the presence of the 2nd respondent and declare the results afresh thereon and for other reliefs.

The petitioner filed petition before this court under Rule 68 of the Tamilnadu Panchayat Election Rules and Section 151 of CPC for directing the Respondents to 3 to produce the ballot sheets polled in the election of Ward Member for Ward 3 of Manimangalam Village Panchayat and CCTV footage showing the counting of votes before this court pending disposal of the main case and the same was numbered as I.A.No.50/2021 in Election OP. No.77/2021. Being served on the respondents, they neither filed a counter nor did they oppose the same and so, that on 18.03.2024 this court was pleased to dispose the said petition. Thereupon, aggrieved by the dismissal order passed by this court, the petitioner preferred an appeal before the Hon'ble High Court of Judicature, Madras and the same was numbered as C.R.P. (PD) No. 1747 of 2024 and C.M.P.No. 9180 & 9181/2024.

The Hon'ble High Court was pleased to order for notice on 23.04.2024 and on service of notice, Government Advocate entered appearance for the 2nd and 3rd respondent and another Advocate entered appearance for the 4th respondent. As per the direction of the Hon'ble High Court, Government Advocate got necessary written instructions from the 3rd respondent ie. the Block Development Officer, Kundrathur Panchayat Union at Padappai,

Kancheepuram District that the ballot box and CCTV Footage are in the custody of the 3rd respondent and the Government Advocate stated the said records will be produced before this court as and when required and that on 20.08.2024, the Hon'ble High Court as and when required and that on 20.08.2024, the Hon'ble High Court was pleased to dispose the said petition. The Hon'ble High Court directed the Civil Revision Petitioner ie. the petitioner in Election OP. No.77/2021 to summon the records, if she so desires for production of the said records before the court.

In view of the facts and circumstances stated supra, it is just and necessary that this court may be pleased to make an appropriate order to summon the 3rd respondent to produce the ballot sheets polled in the election of Ward Member for Ward 3 of Manimangalam village Panchayat and CCTV footage showing the counting of votes before this court pending disposal of the main case. Hence, petition may be allowed.

3) The averments in the counter of 3rd respondent in brief as follows:

This respondent denies all the allegations except those that are expressly admitted in this counter.

It is true that the petitioner has preferred CRP before Hon'ble High Court, Madras and the Hon'ble High Court is pleased to order to produce the CCTV and Counterfoil of the Ballot votes if it is required. The petitioner has not at all complied the fundamental requirement to report the claim to the Election officer

in time which is a mandatory one to be complied by the petitioner. After entered into the case and if this court is deemed necessary for production of the above said documents, then this court may order to produce the same. If it is ordered earlier, the entire relief of the petition itself will be decided for which the petitioner is not entitled to get the same as per law on merits. The petitioner has also not mentioned specific reasons for requirement for production of the above said documents and on that score also he is not entitled to produce the same before this court as per law.

As per Election Rules, “ **After the total number of vote polled by each candidate has been announced under sub-rule (1) or under – Rule (4) of this rule the Returning officer shall complete and sign the result sheet in Form 22 and no application for a recount shall be entertained thereafter**”.

At first the petitioner has to prove that he had made objection in time before the appropriate Officer as envisaged in the above said provision **sub rule 5 of Rule 66 of the Tamil Nadu Panchayat Election Rule 1995** and if he failed to substantiate the same he is not entitled to sought for the relief of send for the above said documents from this respondent as per law.

Even entire pleadings in petition never whispered that the after thought allegations in proof affidavit and oral evidence that about his objection in time. The petitioner neither raised any objection nor given any representation either during the counting or before the announcement of result secured by each

candidate on 12.10.201. Even the petitioner has not produced any piece of document about the objection produced to this respondent at or before the announcement of result. The petitioner is not entitled for any relief in view of lack of provision under the Tamil Nadu Panchayat (Election), Rules 1995 and consequently the petition to send for documents deserves to be dismissed as devoid of merits. Hence, petition may be dismissed with costs.

5) On perusal of affidavit, petition and the counter, the point for determination that arose for consideration is

Whether the petition to summoning the 3rd respondent directing him to produce the ballot sheets polled in the election of Ward Member for ward 3 of Manimangalam Village Panchayat and CCTV footage showing the counting of votes before this court as prayed for in the application is to be allowed or not?

6) Answer to the Point:

Heard both sides. On perusal of records, this petition has been filed after the order passed by the Hon'ble High Court of Madras in C.R.P. (PD) No. 1747 of 2024 and C.M.P.No. 9180 & 9181/2024. Therefore, the summoning materials to be looked into in an appropriate time in accordance with law. Therefore, no merits in the counter filed by the 3rd respondent and the petition is liable to be allowed without costs. The point is answered accordingly.

7) In the result, this petition is allowed without costs.

//This order has been dictated by me to the Stenographer, taken down, transcribed and typed by her in the computer, corrected and pronounced by me in the open Court on this the Tuesday, the 22nd day of April 2025//

Sd./-Pa.U.Chemmal

Principal District Judge,
Principal District Court,
Kancheepuram.

Exhibits and Witnesses on both side: NIL.

Sd./-Pa.U.Chemmal

Principal District Judge,
Principal District Court,
Kancheepuram.

Draft/Fair Order
I.A.No.6/2025 in
Elec.O.P.No. 77/2021
D.D. 22.04.2025
Principal District Court ,
Kancheepuram.

