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W.P.No.14320 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,  
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.14320 of 2026  
and WMP Nos.15549 and 15548 of 2026

1. Social Justice Forum  
Rep by its President Reg No.304/2000,  
Reg Office No.66, Cuddalore Road,  
Mudaliarpet, Puducherry - 605 004
2. R. Viswanathan  
S/o Rajamanicam  
Chithankudi, Puducherry.

Petitioner(s)

Vs

1. The Chief Electoral Officer  
Office of the Chief Electoral Officer,  
Villianur Main Road, Lawspet,  
Reddiarpalayam, Puducherry - 605 010.
2. The Election Commission of India  
Niruvachan Sadan, Ashokan Road,  
New Delhi - 110 001.
3. The Union of India  
Rep by its Secretary to Government,  
Ministry of Home Affairs,  
North block, New Delhi - 110 001.

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 calling for the records relating to the impugned proceedings of the first respondent in Letter No.E81/1/2026/Legal, dated 14.02.2026, and quash the same, consequently declare that Citizenship (Puducherry) Order, 1962 issued under Section 7 of the Citizenship Act, 1955 read with Article 11 of the Constitution of India forms an integral and binding component in determining the status of "citizen of India" for the purpose of eligibility to contest elections to the Puducherry Legislative Assembly and direct the respondents to give due effect to the said Order while scrutinizing nomination papers under Section 36 of the Representation of the People Act, 1951 for the Puducherry Legislative Assembly Elections 2026.

For Petitioner(s): Mr. P.R.Thiruneelakandan

For Respondent(s): Mr. Niranjan Rajagopalan  
Standing Counsel  
for R1 and R2

Mr. V.Vasanthakumar  
Additional Government Pleader  
(Puducherry) for R3

**ORDER**

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

The petitioners have filed this writ petition seeking issuance of a certiorarified mandamus to call for the records relating to the impugned proceedings of the first respondent in Letter No.E81/1/2026/Legal, dated 14.02.2026, and quash the same, consequently declare that Citizenship (Puducherry) Order, 1962



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issued under Section 7 of the Citizenship Act, 1955 read with Article 11 of the Constitution of India forms an integral and binding component in determining the status of "citizen of India" for the purpose of eligibility to contest elections to the Puducherry Legislative Assembly and direct the respondents to give due effect to the said Order while scrutinizing nomination papers under Section 36 of the Representation of the People Act, 1951 for the Puducherry Legislative Assembly Elections 2026.

2. Learned counsel for the petitioners submitted that the detailed representation sent by the petitioners on 31.01.2026 seeking implementation of the Citizenship (Puducherry) Order, 1962 in the scrutiny of nomination papers for the ensuing Puducherry Legislative Assembly Elections, 2026 was summarily rejected by the first respondent. It is submitted that the first respondent erroneously declined to consider the issue on the ground that citizenship falls outside the purview of the election machinery and mechanically relied upon general provisions such as Article 173 of the Constitution of India and Section 5 of the Representation of the



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People Act, 1951, thereby failing to exercise jurisdiction vested in it.

Therefore, the impugned order, is liable to be set aside.

3. Learned Standing Counsel appearing on behalf of respondent Nos.1 and 2 submitted that the election commission is governed by Part XV of the Constitution of India, by which the Representation of the People Act, 1950 and 1951, are enacted and, as such, this department adheres to the provisions of the aforesaid Acts. He added that respondent Nos.1 and 2 cannot deal with questions on citizenship, for which the Ministry of Home Affairs, Government of India, is the competent ministry.

4. Learned Standing Counsel for respondent Nos.1 and 2 further submitted that specific timelines have been drawn for Special Intensive Revision (SIR) of Electoral Roll. The schedule starting from the date for commencement of house-to-house enumeration to the date of final publication of electoral roll was published, *inter alia*, specifying the timeline for publication of draft electoral roll and filing of objections thereto. The petitioners have



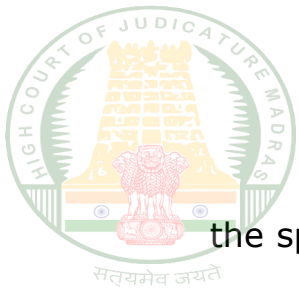
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not raised any objection against any person who is not an Indian citizen under the Citizenship (Puducherry) Order, 1962.

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5. The petitioners, in our considered opinion, ought to have been on the qui vive and availed of the right to submit the objections during the Special Intensive Revision within the timeline announced by the Election Commission of India. The petitioners, admittedly, did not raise any objection against any person who has contested the elections in violation of the provisions on which heavy reliance is placed in this writ petition. The petition has been filed seeking an omnibus prayer. No specific incident of violation has been pointed out.

6. That apart, the elections to the Puducherry Legislative Assembly were held on 9.4.2026. It is trite that once the election process has commenced, the invocation of judicial remedy has to be postponed till the completing of proceedings in elections. If the petitioners are aggrieved by the election of any person in violation of the provisions of law, it is for them to file an election petition. Section 100 of the Representation of the People Act, 1951, sets out



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the specific grounds upon which an election can be declared void by a High Court. These grounds include the discovery that a returned candidate was not qualified (or was disqualified) on the date of the election.

For the foregoing reasons, the writ petition is dismissed. There shall be no order as to costs. Consequently, WMP No.15549 of 2026 stands closed. WMP No.15548 of 2026 is ordered subject to payment of separate court fee within two weeks.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)  
15.04.2026

Index : Yes/No

Neutral Citation : Yes/No

sasi

To:

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THE HON'BLE CHIEF JUSTICE  
AND  
G.ARUL MURUGAN,J.

(sasi)

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