

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Civil Appellate Jurisdiction )

Friday, the Third day of March Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice R.VIJAYAKUMAR

C.R.P (MD) No.579 of 2023

and

C.M.P (MD) No.2698 of 2023

1 S.T.P. NAGASUNDARAM

2 N. BALASUBRAMANIAN

3 R. GANESAN

4 M. KESAVAN

5 R. SELVAKUMAR

... PETITIONERS/RESPONDENTS 1-5/  
PETITIONERS/THIRD PARTIES

Vs

1 M. SWAMINATHAN

2 S. SHANMUGARAJ

3 N. PALANIYANDI

4 G. KANNAN

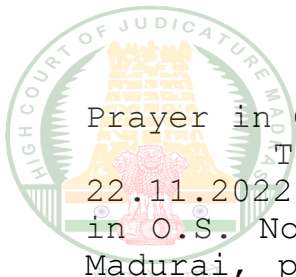
5 A. NEELAMEGAM

6 S. BALAMURUGAN

7 E. DURAI

...RESPONDENTS 2-7/RESPONDENTS 6-11/  
RESPONDENTS 1-6/THIRD PARTY

Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the fair and decreetal order dated 22.11.2022 passed in I.A. No. 1489 of 2022 in I.A. No. 277 of 2020 in O.S. No. 9 of 1915 on the file of the Principal District Judge, Madurai and allow the present Civil Revision Petition and thus render justice.



Prayer in CMP(MD). 2698/ 2023 :

To STAY the operation of the Fair and Decreetal order dated 22.11.2022 passed in I.A. No. 1489 of 2022 in I.A. No. 277 of 2020 in O.S. No. 9 of 1915 on the file of the Principal District Judge, Madurai, pending disposal of the above Civil Revision Petition and thus render justice.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. M. SARAIVANAN, Advocate for the petitioner, the court made the following order:-

The present revision petition has been filed by the third parties in O.S.No.9 of 2015 challenging an order in I.A.No.1489 of 2022 allowing an application to include the name of the said petitioner in the voters list.

2. According to the petitioner in I.A.No.1489 of 2022, he belongs to 2<sup>nd</sup> branch of Pangali. Though he had approached the Advocate Commissioner appointed by the Court to include his name in the voters list, he has refused to include his name. With the said grievance, the petitioner had filed I.A.No.1489 of 2022 to include his name in the voters list for the temple election. For the said I.A, Advocate Commissioner has filed a memo of objection clearly pointing out that the petitioner has never approached the Advocate Commissioner for inclusion of his name in the voters list and the petitioner was not a 2<sup>nd</sup> branch pangali as contended by him. When the last date for inclusion of the name in the voters list had already expired and the Commissioner has fixed 14.07.2022 as the date of election, this application has been entertained by the trial Court and order has been passed to include the name of the petitioner in the voters list.

3. According to the learned counsel for the petitioner, this is likely to open the Pandora's box and so many other applications are likely to be filed to include their names in the voters list in order to stall the election process. The petitioner has made out a *prima facie* case. There shall be an order of interim stay till 23.03.2023.

4. Notice of motion returnable by 23.03.2023. Private notice is also permitted.

5. Post on 23.03.2023.

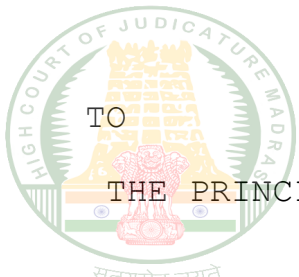
sd/-

03/03/2023

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/03/2023

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



C.R.P(MD)



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TO

THE PRINCIPAL DISTRICT JUDGE, MADURAI.

सत्यमेव जयते

+1. C.C. to M/S. M. SARAVANAN Advocate SR.No.3394

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ORDER

IN

C.R.P (MD) No.579 of 2023

and

C.M.P (MD) No.2698 of 2023

Date :03/03/2023

RK/SAR-3 (10/03/2023) 3P/3C