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2013

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No. 71] CHENNAI, FRIDAY, MARCH 15, 2013
Panguni 2, Nandhana, Thiruvalluvar Aandu-2044

Part V—Section 4

Notifications by the Election Commission of India

NOTIFICATIONS BY THE ELECTION COMMISSION OF INDIA

JUDGMENT OF THE HIGH COURT OF JUDICATURE AT MADRAS
IN ELECTION PETITION No. 1 OF 2009.

No. SRO G-3/2013.

The following Notification of the Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110 001, dated: 16th January 2013, [26 Pausa 1934 (Saka)] is published:-

No.82/TN-HP/1/2009/2013:—In pursuance of Section 106 (a) of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the order of the High Court of Madras, dated 13-07-2012 in Election Petition No. 1 of 2009.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Ordinary Original Civil Jurisdiction)

FIRDAY, THE 13TH DAY OF JULY 2012

THE HON'BLE Mr. JUSTICE K. CHANDRU

Election Petition No. 1 of 2009

Election Petition No. 1 of 2009:

V. Sathiamoorthy, (aged 63 years),
son of V. Vadivel Thevar,
District Secretary, AIADMK,
Ramanathapuram,
residing at Mela Selvanur,
Kadaladi Taluk,
Ramanathapuram District—*Petitioner*.

Versus

1. Sivakumar *alias* J.K. Ritheesh, K., (aged 36 years),
son of Kulandai Velu,
No. 43, North Street, Manakudi Nagaram P.O.,
Paramakudi Taluk, Ramanathapuram District.
2. Su. Thirunavukkarasar, (aged 60 years),
son of Subbaraman,
196/27, Theeyathur, Aavudaiyar Kovil Taluk,
Pudukkottai District.
3. Priscilla Pandian, (aged 39 years),
wife of John Pandian,
266/565-A, Anna Street,
Mankavalam Pillai, Palayamkottai Taluk,
Tirunelveli District.
4. Saleemulla Khan, S (aged 37 years),
son of Samsan Buhari,
8, Aruppukkara Street,
Ramanathapuram.
5. Singai Jinnah, S. (aged 39 years),
son of Shahul Hameed,
6/62A, Mookkaiyur Salai,
Sayalkudi, Ramanathapuram District.
6. Mohammed Abith Ali, R. (aged 40 years),
son of Rethina Muhammed,
84/54, North Street, Keelakarai,
Ramanathapuram District.

7. Kalimuthu, K., (aged 56 years),
son of Karuppiah,
14/2-120A, Melachatram, Paramakudi,
Ramanathapuram District.
8. Shanmugaiya Pandian, S. (aged 45 years),
son of Shanmugar,
3/349, Kanakkupillai Valasai Village,
Thenpothai Road, Sencottai Taluk,
Tirunelveli District.
9. Swartz Durai, S., (aged 37 years),
son of Sam Shreedharan, Veerambal Post,
Mudukulathur Taluk,
Ramanathapuram District.
10. Chelladurai (aged 40 years),
son of Kasinatha Durai,
659, Mahasakti Nagar, Sivagnanapuram,
Ramanathapuram Taluk.
11. Balamurugan, (aged 27 years),
son of Subramanian,
50, Main Road,
Thiruvalluvar Nagar,
Paramakudi,
Ramanathapuram District.
12. Baskaran, P., (aged 59 years),
son of Perumal,
3/56, A1, Anna Nagar,
Vellipatanam,
Ramanathapuram.
13. Murugendran, G., (aged 31 years),
1/59, Naraiyoorani,
Maankundu, Uchipuli Via,
Ramanathapuram District.
14. Jahangeer, M.I., (aged 41 years),
son of R. Mohammed Ibrahim,
1/1108, K.J. Carton,
Bharatinagar,
Ramanathapuram District.
15. The Returning Officer
-cum- District Collector,
Ramanathapuram.

16. The Chief Electoral Officer,
Fort St. George,
Chennai-9.

17. The Chief Election Commission of India,
New Delhi—*Respondents*.

This Election Petition praying that this Hon'ble Court be pleased to.

(a) declare that the election of the returned candidate, viz, 1st respondent herein from Ramanathapuram Constituency (Tamil Nadu) in the election held on 13th May 2009 and result was declared on 16th May 2009 as null and void.

(b) declare that the petitioner as duly elected member of Member of Parliament from Ramanathapuram Constituency in the election held on 13th May 2009 and result was declared on 16th May 2009.

(c) directing the 1st respondent to pay the cost of the proceedings.

That the above Election Petition coming on this day before this court for hearing in the presence of Mr. ARL. Sundaresan, Senior Counsel for M/s. P. Andiraj, A.R. Numbunayagan, Advocate for the 1st respondent and of Mr. G. Murugendran the 13th respondent appearing in person and of Mr. M.R. Raghavan, Standing Counsel for the respondents 15 to 17 and the Election Petitioner not appearing in person or by advocate and upon reading the petition and affidavit of the Election Petitioner filed herein.

The Court made the following order:—

This Election Petition was posted today for trial. When the matter was called out, neither the petitioner nor the counsel for the petitioner was present though it has been specifically posted under the caption 'for trial'. Hence, this Election Petition stands dismissed for want of prosecution. No costs.

WITNESS THE HON'BLE THIRU M. YUSUF EQBAL, THE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 13th DAY OF JULY 2012.

Sd/-

*Assistant Registrar,
(Original Side-II)*

CERTIFIED TO BE TRUE COPY

Dated this the 28th day of September 2012.

K. KANNIAPPAN,
Court Officer (O.S.)

From 25th day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

Election Petition No. 1 of 2009.

ORDER

Dated 13th July 2012

The Hon'ble Mr. Justice

K. CHANDRU

FOR APPROVAL: 17-09-2012

APPROVED ON: 17-09-2012

Copy to:

1. The Returning Officer -cum-
District Collector,
Ramanathapuram,
2. The Chief Electoral Officer,
Fort St. George,
Chennai-9.
3. The Chief Election Commission
of India, New Delhi.
4. Mr. M.R. Raghavan,
(Standing Counsel for
Election Cases).

Sd/.....
Assistant Registrar (O.S.II).

(By Order)

TAPAS KUMAR,
*Principal Secretary,
Election Commission of India.*

Secretariat,
Chennai-600 009,
15th March, 2013.

PRAVEEN KUMAR,
*Chief Electoral Officer and
Principal Secretary to Government.*