



தமிழ்நாடு மாநில தேர்தல் ஆணையம்,

சென்னை - 106

TAMIL NADU STATE ELECTION COMMISSION,

Chennai - 106.

சட்டபூர்வ ஆணை

STATUTORY ORDER

சுருக்கக் குறிப்பு

ABSTRACT

ELECTIONS - Urban Local Bodies - Direct Elections - Election of Councillor of Periyakulam Municipality of Theni District - Conduct of - Notified - Deleted.

S.O.No. 76/2022/TNSEC/ME-I

Dated, the 30th June 2022.

Read:

1. Letter No.565/2022/F1, dated 19.05.2022 of the Commissioner Periyakulam Municipality.
2. Tamil Nadu State Election Commission notification in S.O.No. 35/2022/TNSEC/ME-I dated: 16.06.2022 published in the Tamil Nadu Government Gazette Extraordinary No.350, dated 20.06.2022.
3. Orders of the Principal District Judge, Theni in I.A.No. 01/2022 in E.O.P. No.41/2022 dated: 23.6.2022
4. From the Returning Officer/Commissioner, Periyakulam Municipality Letter No. 565/2022/F1, Dated: 30.06.2022
5. From the District Election Officer/District Collector, Theni Letter No. 18517/2022/C/t.4 dated: 30.6.2022

ORDER:

WHEREAS, Thiru.S.Raja Mohamed, Councillor of Ward no.26 of Periyakulam Municipality, Theni District has been disqualified to act as ward member and Vice Chairman of the said Municipality vide reference first read above, by the Municipal Commissioner, Periyakulam;

WHEREAS, the Commissioner, Periyakulam Municipality, has stated in the reference 1st read above that consequent on the above disqualification, the seat of ward member No. 26 and the office of Vice Chairman Periyakulam who was holding, became vacant and also stated that there are no election petitions pending in any Court of law challenging the said vacancy;

WHEREAS, the Tamil Nadu State Election Commission, inter-alia, notified casual elections to fill up the vacancy of Ward No. 26 of Periyakulam Municipality, Theni District scheduled to be held on 9.7.2022 vide Notification Second read above;

WHEREAS, the Election Process commenced and the process of the withdrawal of candidatures has been completed as per the schedule of program of casual election notified in the Statutory Order in the reference 2nd read above;

WHEREAS, in the meanwhile Thiru.S.Raja Mohamed, filed I. A. petition in E.O.P on the file of the Principal District Judge Court, Theni in I.A.No.01/2022 in EL.O.P No 41/2022, under Section 51(A) of the Tamil Nadu District Municipalities Act, 1920 to issue an order of Ad-interim injunction restraining the Respondents 1 to 3 from preventing him from discharging his duty as Vice Chairman of Periyakulam Municipality, Theni District pending disposal of the petitions;

WHEREAS, Principal District Judge Court, Theni has ordered in the reference 3rd cited the following ;

x x x

"11.This Court finds that the petitioner had established his prima facie right continue to function as Vice Chairman of Periyakulam Municipality and therefore this Court restrains the Respondent 1 to 3 from preventing the petitioner from discharging his duty as Vice Chairman Periyakulam Municipality, Theni District for a period of 8 weeks. Notice to Respondent ordered. Private Notice is also permitted. Call on 18.8.2022..."

x x x

WHEREAS, the District Election Officer/District Collector, Theni has also reported the above facts in the reference 5th in this regard;

WHEREAS, a difficulty has thus arisen in conducting the election to Member of Ward No.26 of Periyakulam Municipality on 9.7.2022 and it is, therefore, considered expedient to cancel the election of Ward No. 26 of Periyakulam Municipality as it is not possible to complete the election process to the above said Ward as notified by the Tamil Nadu State Election Commission;

AND WHEREAS, in view of the above orders of the Court of the Principal District Judge, Theni, in I.A.No.01/2022 in EL.O.P. No. 41/2022, dated: 23.6.2022, and to comply the Orders of the Court, the Tamil Nadu State Election Commission has decided to cancel the election to elect the Councillor of Ward number 26 of Periyakulam Municipality, Theni District, issued under reference 2nd read above;

NOW, THEREFORE, in exercise of the powers conferred under 139 of the Tamil Nadu Town Panchayats, Municipalities and Corporations (Elections) Rules, 2006, read with rule 22 of the said Rule and section 27 of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the Tamil Nadu State Election Commission hereby issue the following amendment to S.O.No.35/2022/TNSEC/ME-I, dated 16.6.2022 published in Gazette No.350, published as Notification No. VI(2)/59/(b-1)/2022 at pages 1 to 2 in Part VI Section 2 of the Tamil Nadu Government Gazette Extraordinary dated 20.06.2022 and orders that all the election proceedings of the Returning Officer and Assistant Returning Officer for the election of said ward in pursuance of rules 23 to 29 of the Tamil Nadu Town Panchayats, Municipalities and Corporations (Elections) Rules, 2006, so far as it relates to the above Ward No. 26 be held as null and void.

AMENDMENT

In the said Notification,

in the Annexure, in the Table, under the heading Municipal Councillor, Sl.No. 2 of the table and the entries relating thereto shall be deleted.


K. VIVEKANANDAN
செயலாளர்
Secretary

To

The Works Manager, Government Central Press, Chennai-600 079.

(with a copy of the Notification) - with a request to publish the notification in an Extraordinary issue of the Tamil Nadu Government Gazette on 30.06.2022 without fail and to supply 25 copies of the Gazette Notification to this Commission.

The District Election Officer / District Collector, Theni District,
The Regional Director of Municipal Administration concerned
The Returning Officer of Periyakulam Municipality (Through District Election Officer / District Collector, Theni)
The State Election Officer / Director of Municipal Administration, Chennai-600 028.

Copy to:

The Additional Chief Secretary to Government, Municipal Administration & Water Supply Department, Secretariat, Chennai-600 009.

computer programmer, TNSEC - to upload in the TNSEC'S website.

