



தமிழ்நாடு மாநிலத் தேர்தல் ஆணையம், சென்னை – 106.

TAMIL NADU STATE ELECTION COMMISSION, CHENNAI 600 106.

சட்டப்பூர்வ ஆணை
STATUTORY ORDER

சுருக்கக் குறிப்பு
ABSTRACT

Elections - Urban Local Bodies - Ordinary Elections - Election of Ward Members of Kadambur Town Panchayat of Thoothukudi District - Conduct of - Notified.

S.O.No.79/2022/TNSEC/ME.1

Dated: 20th September, 2022

- Read: 1. This Commission's S.O.No.5/ 2022/ME1 dated 26.1.2022.
2. This Commission's S.O.No.19/ 2022/ME1 dated 07.2.2022
3. Order of the Hon'ble High Court of Madras dated 05.08.2022 in W.P (MD) Nos.3131, 3132 and 3133 of 2022 filed by Thiru.S.V.S.P. Nagaraja, Tmt. Rajeshwari and Thiru. V. Siva Kumar.

ORDER:

WHEREAS, the Tamil Nadu State Election Commission, inter-alia, notified the schedule of programme of election to Kadambur Town Panchayat, Thoothukudi District scheduled to be held on 19.2.2022 vide Notification first read above;

WHEREAS, as per the schedule of Programme of election, the last date for making nominations was completed on 4.2.2022 and the date of scrutiny of nominations was held on 5.2.2022;

WHEREAS, during the process of election, the District Election Officer/District Collector, Thoothukudi District, due to prevailing situation, recommended the Tamil Nadu State Election Commission to cancel the election and the Election Observer, Thoothukudi District, also recommended to cancel the existing electoral process, by agreeing the report of the District Election Officer/District Collector, Thoothukudi District. Based on which, the Tamil Nadu State Election Commission has issued orders, vide reference second read above, by cancelling all the proceedings of the Returning Officer and the Assistant Returning Officers of Kadambur Town Panchayat, Thoothukudi District.

WHEREAS, aggrieved over the orders of cancellation, the contesting candidates Thiru. S.V.S.P. Nagaraja and two others have filed Writ Petitions in the Hon'ble High Court of Madras;

WHEREAS, after hearing the arguments, the Hon'ble High Court of Madras has, in its order third read above, quashed the order and directed as follows :-

" xxx xxx xxx

17. In the Result :

- (i) *The Writ Petitions are allowed and the impugned order stands quashed;*
- (ii) *The petitioners shall be treated as unopposed in respect of the three wards namely, Ward Nos. 1, 2 and 11 and shall be notified as having been elected unopposed in accordance with law;*
- (iii) *It will be open for the respondents to notify the date for election in respect of the other wards in respect of the Kadambur Town Panchayat based on the already existing valid nominations and complete the election expeditiously in any event not later than a period of two months from the date of receipt of copy of the order".*

WHEREAS, in view of the above orders of the Hon'ble High Court of Madras and to comply the orders of the Court, the Tamil Nadu State Election Commission has decided to issue notification with regard to the election of the above Writ Petitioners, i.e., the contesting candidates, as having been elected unopposed in accordance with law in respect of Ward No. 1, 2 and 11 of Kadambur Town Panchayat and the date of elections also to elect the ward members in respect of other wards of Kadambur Town Panchayat, Thoothukudi District;

WHEREAS, the District Election Officer/District Collector, Thoothukudi in his letter No. ai.10/27535/2021 dated: 12/9/2022 has now stated that as per the schedule of programme of election of the Tamil Nadu State Election Commission first read above, totally 33 nominations were received upto the last date of making nominations i.e., 4.2.2022 for the elections to all the 12 wards of Kadambur Town Panchayat, Thoothukudi District, of which, 6 nominations were rejected and list of validly nominated candidates in Form 6 for the elections to Ward No.1 to Ward No.12 was published by the Returning Officer concerned;

WHEREAS, the District Election Officer/District Collector, Thoothukudi District further stated that, on the day of withdrawal, i.e., 7.2.2022, one nomination filed by a candidate in Ward No.9 has been withdrawn and the same was affixed in the notice board of the Office of the Kadambur Town Panchayat by the Assistant Returning Officer in Form 8 on the same day;

WHEREAS, the District Election Officer/District Collector, Thoothukudi District has also stated that in respect of Ward No. 1, Ward No. 2 and Ward No. 11, only one candidate's nomination for each ward is found valid and that on the same day, a distinctive symbol to each contesting candidate assigned to the remaining 23 candidates in respect of other nine (9) wards and the same was informed to them with proper acknowledgement and supplied with a specimen thereof and further also stated that, due to prevailed extra-ordinary situation, the list of contesting candidates in Form 9 has not been completed and not published as per sub-rule (4)

of rule 33 of the Tamil Nadu Town Panchayats, Municipalities and Corporations (Elections) Rules, 2006;

NOW, THEREFORE, as ordered by the Hon'ble High Court of Madras in the reference third read above, for the purpose of filling up of ordinary vacancies, the Tamil Nadu State Election Commission, -

(i) directs the Returning Officer of Kadambur Town Panchayat to publish and notify the contesting candidates, i.e., the Writ Petitioners 1) Thiru. S.V.S.P. Nagaraja, S/O. Thiru. S.V.S. Pandian, 2) Tmt. Rajeshwari, W/O. Thiru. Nagaraja and 3) Thiru. V. Siva Kumar, S/O. Thiru. Vellapandian as having been elected unopposed in accordance with law, in respect of wards namely Ward No. 1,2 and 11 respectively ;

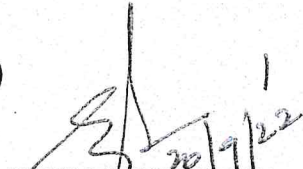
(ii) in exercise of the powers conferred under sub-section (1) of section 43-B of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) and rule 22 and 139 of the Tamil Nadu Town Panchayats, Municipalities and Corporations (Elections) Rules, 2006, directs the Returning Officer of Kadambur Town Panchayat in respect of the other Wards (Ward No. 3,4,5,6,7,8,9,10,12) of Kadambur Town Panchayat, Thoothukudi District, to publish the day so appointed and to commence the election proceedings in pursuance of sub rule (4) of rule 33 of the said Rules and complete the process of election in accordance with law and that the Tamil Nadu State Election Commission hereby calls upon the electors of the said wards of Kadambur Town Panchayat to elect their respective Ward Members, in accordance with the following programme of election :-

தேர்தல் நிகழ்ச்சி நிரல்

PROGRAMME OF ELECTION

1.	Date of Poll	29.9.2022	7.00 a.m. to 5.00 p.m.
2.	Date of commencement of counting of votes	1.10.2022	8.00 a.m.
3.	Date before which the election shall be completed	3.10.2022	
4.	Date on which the first meeting of the newly elected Ward Members shall be held for assumption of office by taking oath or affirmation	10.10.2022	
5.	Date on which the meeting of the Ward Members shall be held for the election of Chairman/Vice Chairman.	12.10.2022	

(தமிழ்நாடு மாநில தேர்தல் ஆணைய ஆணைப்படி)
(By Order of the Tamil Nadu State Election Commission)


K. VIVEKANANDAN
செயலாளர்
Secretary

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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 21.09.2022 without fail and to supply 25 copies of the Gazette Notification to this Commission.

The District Election Officer / District Collector, Thoothukudi District,
The Assistant Director of Town Panchayat, Tirunelveli District, concerned
The Returning Officer of Kadambur Town Panchayat (Through District Election Officer / District Collector, Thoothukudi)
The State Election Officer / Commissioner of Town Panchayats, Chennai-600 028.

Copy to:

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

Spares. / Computer Programmer, Tamil Nadu State Election Commission -
To upload in the website.