



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

ELP No. 37 of 2026

K.Prakasam

No.32, Old No.28, Nehru Street, Alankattu
Valasu, Modakkurichi, Erode, Tamil Nadu.

..Petitioner(s)

Vs

1. The Chief Election Commissioner
The Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi – 110001.
2. The Chief Electoral Officer - Tamil Nadu
Public (Elections) Department, Secretariat,
Fort St.George, Chennai - 600009
3. The Returning Officer
120, Coimbatore South Assembly Constituency,
District Revenue Officer / Deputy
Commissioner Central Zone,
Corporation Office, Hosur Road,
Race Course, Coimbatore - 641018.
4. V.Senthil Balaji
Returned Candidate 120, Coimbatore South
Assembly Constituency,
123/92, Rameswarappatty, Manmangalam Post,
Karur District - 639606.

..Respondent(s)

PRAYER: Election Petition filed under Section 80 r/w Sections 30, 81, 82, 83, 84, 98, 100(1) (d) (I) & (iv) and 125A of the Representation of the People Act, 1951 r/w Rules 4A of the Conduct of Elections Rules, 1961 and Rule 2 of the Rules of Madras High Court Election Petitions (a) to declare the



acceptance of the nomination of the 4th respondent namely Mr.V.Senthil Balaji to 120 Coimbatore South Assembly Constituency is illegal and not in accordance with law and the result declared is null and void, (b) to declare that the election held for 120 Coimbatore South Assembly Constituency suffers from serious material irregularity and bias and not free and fair election, (c) to initiate appropriate disciplinary action for professional misconduct against the Returning Officer of 120 Coimbatore South Assembly Constituency who has exhibited apparent bias and preferential treatment towards Mr.V.Senthil Balaji, a returned candidate and impose maximum punishment if found guilty.

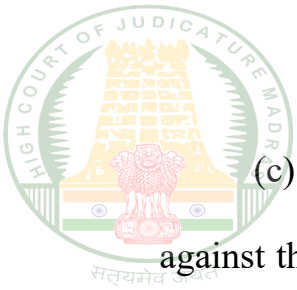
For Petitioner(s): Mr.B.Leelesh Sundaram
For M/s.Nathan and Associates

ORDER

The Election Petition has been filed under Section 80 read with other relevant provisions under the Representation of the People Act, 1951 by the petitioner who belongs to Modakurichi Erode District Tamil Nadu. The petitioner has made various allegations in the Election Petition and has sought for the following reliefs:

“(a) to declare the acceptance of the nomination of the 4th respondent namely Mr.V.Senthil Balaji to 120 Coimbatore South Assembly Constituency is illegal and not in accordance with law and the result declared is null and void,

(b) to declare that the election held for 120 Coimbatore South Assembly Constituency suffers from serious material irregularity and bias and not free and fair election,

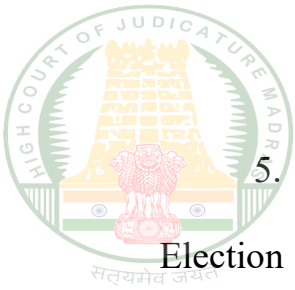


(c) to initiate appropriate disciplinary action for professional misconduct against the Returning Officer of 120 Coimbatore South Assembly Constituency who has exhibited apparent bias and preferential treatment towards Mr.V.Senthil Balaji, a returned candidate and impose maximum punishment if found guilty.”

2. The Registry on going through the Election Petition raised a query on the maintainability of the Election Petition on the ground that the petitioner is neither an elector nor a party who contested the Coimbatore South Assembly Constituency. Accordingly, Election Petition was numbered and listed before this Court under the caption “for admission”.

3. This Court heard the learned counsel for the petitioner and carefully went through the averments made in the Election Petition.

4. The learned counsel for the petitioner fairly submitted that the petitioner is neither an elector nor a candidate from the Coimbatore South Assembly Constituency. The learned counsel further submitted that the petitioner did not file this Election Petition to create any sensation, but the petitioner had a very genuine grievance against the election of the fourth respondent, who contested from the Coimbatore South Assembly Constituency.

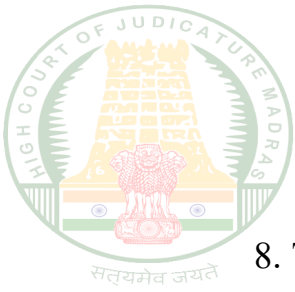


5. When this Court put a specific query on the maintainability of this Election Petition, the learned counsel pointed out the explanation to Section 81 of the Representation of the People Act, 1951, and submitted that an “elector” means a person who is entitled to vote at the election to which the election petition relates, whether he has voted at such election or not. The learned counsel submitted that a wide meaning has been given to the term “elector” and therefore, a person who is an elector in any Constituency during the elections held for the Assembly can maintain an election petition and challenge the candidature of any successful candidate who had stood in that Assembly election from a different Constituency.

6. This Court is not able to agree with the above submission made by the learned counsel for the petitioner. Section 81 deals with the presentation of petitions. Sub Section (1) of Section 81 makes it clear that an election petition calling in question any election can be presented either by any candidate at such election or by any elector.

7. An explanation has been added to Section 81 which explains the term “elector” as follows:

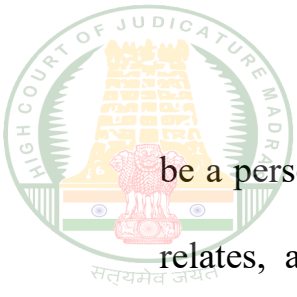
“Explanation – In this sub-section, “elector” means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.”



8. The term “elector” as found in the explanation makes it clear that, such elector must be a person entitled to vote at the election to which the election petition relates. It only means that the election petition must relate to the Constituency in which the concerned person is an elector.

9. If the above meaning is not assigned to the explanation to Section 81, it will lead to a very serious anomaly while dealing with sub-section (1) of Section 81 of the Act. Insofar as the candidates who can maintain such a petition are concerned, it will confine the right only to those candidates who stood for election in the particular Constituency and no other. If the term “elector” is given a broader meaning to the effect that any elector in any Constituency can question the election of a candidate who stood in a different Constituency, the meaning assigned to the term “candidate” and the meaning assigned to the term “elector” under sub-section (1) of Section 81 will have two different dimensions and it will go against the very spirit of Section 81 of the Representation of the People Act, 1951.

10. The legislature never intended, by including the explanation to Section 81, to expand the term “elector” to any person belonging to any Constituency to challenge the election of a successful candidate belonging to a different Constituency. The explanation only made it clear that the elector must



be a person who is entitled to vote at the election to which the election petition relates, and such elector must belong to the Constituency of the candidate whose election he is challenging by way of filing an election petition. In any case, the explanation to Section 81 cannot expand the scope and object of what is intended under sub-section (1) of Section 81 of the Act. If the interpretation as sought for by the learned counsel for the petitioner is given to the term “elector”, it will open up Pandora’s box and election petitions will galore after every Assembly election by means of various persons filing election petitions, challenging the election of any candidate across the State of Tamil Nadu.

11. The petitioner before this Court is not an aggrieved person in order to maintain the present election petition. The petitioner can be treated as an aggrieved person only if he challenges the election of any candidate who contested the election in his Constituency. In other words, the cause of action for filing the election petition will arise for the petitioner only touching upon an election in his Constituency. Hence, the petitioner is neither an aggrieved person nor has a cause of action to file the present election petition. The present election petition is more in the nature of a public interest litigation since the petitioner seems to have entertained a grievance against the fourth respondent since the fourth respondent has many criminal cases pending against him and he is not happy with the fourth respondent being elected by the people of Coimbatore South Assembly Constituency. An election petition is not a



substitute for public interest litigation, and election petitions can be entertained only if they satisfy the requirements of the provisions of the Representation of the People Act, 1951.

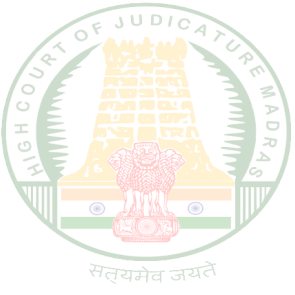
12. In the light of the above discussion, the present election petition filed by the petitioner, who is neither a voter nor a candidate who contested the election from the Coimbatore South Assembly Constituency, is not maintainable. Accordingly, this Election Petition stands dismissed.

10-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes
SSI

To:

1. The Chief Election Commissioner,
The Election Commission of India,
Nirvachan Sadan, Ashoka Road, New Delhi – 110001.
2. The Chief Electoral Officer - Tamil Nadu,
Public (Elections) Department, Secretariat,
Fort St.George, Chennai – 600009.
3. The Returning Officer,
120, Coimbatore South Assembly Constituency,
District Revenue Officer / Deputy Commissioner Central Zone,
Corporation Office, Hosur Road, Race Course,
Coimbatore - 641018.



WEB COPY

ELP No. 37 of 2



N.ANAND VENKATESH, J.

SSI

ELP No. 37 of 2026

10-07-2026