



IN THE HIGH COURT OF JUDICATURE AT MADRAS

PRONOUNCED ON : 15.09.2026

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

E.L.P.No.31 of 2026

K.A.Sengottaiyan
S/o.K.S.Arthanarigounder
residing at 73, Mariamman Kovil Street,
Kullampalayam Post, Gobichettipalayam,
Erode District - 638 476.

...Applicant(s)

$$V_S$$

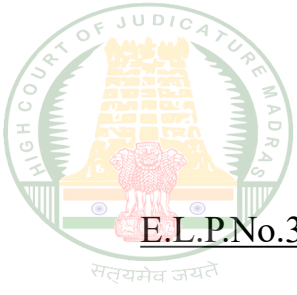
V.B.Prabhu
S/o.V.P.Balasubramaniyam,
Aged 43 years,
No.11, Aasaripattarai medu, Moolavaikkal,
Karatadipalayam, Gobichettipalayam Taluk,
Erode District - 638 453.

...Respondent(s)

Prayer : Original Application is filed under Order 14 Rule 8 of the O.S Rules r/w. Order VII Rule 11 of C.P.C., to reject the Election Petition No.31 of 2026.

For Applicant(s): Mr. C.Munusamy
Mr. L.P.Shanmugasundaram

For Respondent(s): Mr. I.S. Inbadurai



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E.L.P.No.31 of 2026 :-

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V.B.Prabhu

S/o.V.P.Balasubramaniyam,

Aged 43 years,

No.11, Aasaripattarai medu, Moolavaikkal,

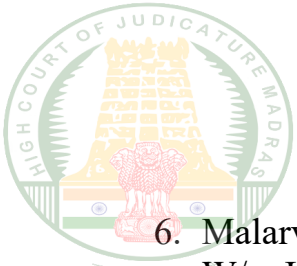
Karatadipalayam, Gobichettipalayam Taluk,

Erode District - 638 453.

...Petitioner(s)

Vs

1. K.A.Sengottaiyan,
S/o.K.S.Arthanarigounder
residing at 73, Mariamman Kovil Street,
Kullampalayam Post, Gobichettipalayam,
Erode District - 638 476.
2. M.K.Seethalakshmi
W/o.R.Chezhian, Residing at 6/112, A,
Marappam Palayam, Odathurai Bhavani Taluk,
Erode District - 638 455.
3. N.Nallasivam
S/o.V.Nallasamy, Residing at 179/1, Dher
Veethi, Kullampalayam PO, Gobichettipalayam
Taluk, Erode District 638 476.
4. R.Ravikumar
S/o.Rangan
Residing at 2/47, Vinnappalli, Oungampalli,
Valipalayam, Sathyamangalam Taluk,
Erode District - 638 402.
5. M.Thiruvengatesh
S/o.Murugesan
Residing at 106, Perumal Kovil Karadu,
Theethampalayam PO, Chinnaripalayam
Village, Nambiyur Taluk,
Erode District - 638 458.



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6. Malarvizhi

W/o. K.P.Karthikeyan

Residing at 1/132, Nanjai Gobi,
P.Vellalapalayam PO, Gobichettipalayam Taluk,
Erode District-638476

7. M.Anandhakumar

S/o.C.Muthusamy, residing at 124/2,
Nandha Nagar, Vadugapalayam, Modachur,
Gobichettipalayam Taluk,
Erode District.

8. G.Sakthivel

S/o.M.Gurunathan
Residing at 9A, Odathurai Main Road,
Thalaikombupudur, Kugalur PO,
Gobichettipalayam Taluk,
Erode District - 638 313.

9. G.Shanmugam

S/o.Gurusamy
Residing at 104, Pajanai Kovil Street,
P.Vellalapalayam, Gobichettipalayam Taluk,
Erode District.

10.R.Seetha

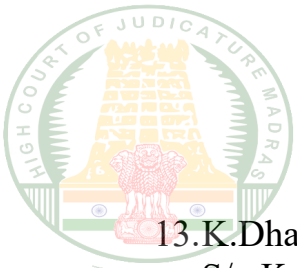
W/o.P.Ramasamy, Residing at 6B, Mandhai
Mariyamman Kovil Street, Anthiyur,
Erode District - 638 501.

11.G.Sumathi

W/o.V.Ganesan
Residing at 259, Main Road, Kulavikaradu,
Nanjaigobi, Gobichettipalayam Taluk,
Erode District.

12.R.Selvakumar

S/o.Ranganathan
Residing at 233/201, Society Street,
Kullampalaarm, Gobichettipalayam,
Erode District.



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13.K.Dhanapal

S/o.Karuppusamy

residing at 74/86, Pillaiyar Kovil
street,Nambiyur Taluk, Erode District.

14.Palanisamyraaj.M.

S/o.Marappagounder, residing at 609, Jawahar
Main Road, Punjao, Puliampatti,
Sathyamangalam Taluk, Erode District.

15.A.Bhuvaneshwari

W/o.Annadurai, residing at 2/64, Boyar Street,
P.Vellapalayam, Gobichettipalayam Taluk,
Erode district.

16.P.Ramesh

S/o.K.Paulraj

Residing at 2/108, Kalipalayam Colony,
Senapathychettipalayam PO, Avinashi
Taluk,Tiruppur District 641 752

17.P.Venkatachalam

S/o.Palani, residing at 2/123, Harizana Colony,
Kalipalayam, Senapathychettipalayam PO,
Avinashi Taluk, Tiruppur District 641752.

18.The Returning Officer

No.106 Gobichettipalayam, Legislative
Assembly Constituency, Gobichettipalayam
Taluk, Erode District, Tamil Nadu.

...Respondent(s)

Prayer : Election Petition is filed under Sections 80, 80A, 81, 82, 83, 84, 98(b)(c) r/w Section 100, 100(i)(d)(iii), 100(1)(d)(iv) of the Representation of the People Act, 1951, read with the Conduct of Election Rules, 1961 and the Madras High Court (Election Petitions) Rules, 1967, to (a) declare the election of the Returned Candidate namely Mr.K.A.Sengottaiyan, the 1st respondent herein in No.106-Gobichettipalayam Assembly Constituency to be null and void (ii) direct the



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respondents to pay the cost of this Election Petition.

For Petitioner(s): Mr. I.S. Inbadurai

For Respondent(s): Mr. C.Munusamy
Mr. L.P.Shanmugasundaram for R1
Mr.A.S.Ashwin Prasanna for R3
Mr. V.P.K.Gowtham for R9
Mr.Niranjan Rajagopalan for R18

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This Original Application has been filed to reject the Election Petition filed by the respondent in E.L.P.No.31 of 2026.

2. The respondent has filed an election petition under Sections 80, 80A, 81, 82, 83, 84, 98(b)(c) r/w Section 100, 100(1)(d)(iii), 100(1)(d)(iv) of the Representation of the People Act, 1951, (hereinafter referred to as “RP Act”) along with the Conduct of Election Rules, 1961 and the Madras High Court (Election Petitions) Rules, 1967 as against the applicant and others. While pending the election petition, the applicant herein i.e., the first respondent in the election petition filed the present application to reject the election petition.

3. The learned counsel appearing for the applicant submitted that the respondent has filed the election petition primarily on the ground that the Notary Public who attested the affidavit in Form No.26 did not possess a valid and subsisting certificate of practice as a Notary at the relevant point of time.



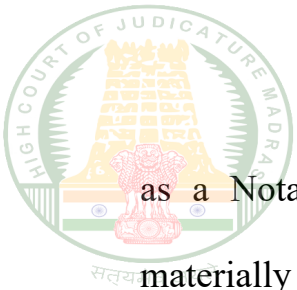
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According to the learned counsel, at the time of filing the nomination, the certificate of the Notary who attested the affidavit in Form No.26 had not been renewed, therefore the attestation made by him was invalid. The learned counsel further submitted that the very same objection had already been raised before the Returning Officer, however it was rejected by concluding that the Advocate who attested the affidavit in Form No.26 possessed a valid and subsisting Notary certificate by virtue of its renewal and that he was duly authorised to attest the affidavit on the date of such attestation. Therefore, he contended that once again on the sole ground, the respondent had filed the election petition.

3.1. He further submitted that the applicant is the returned candidate, having secured 82,612 votes in the Legislative Assembly Election held in April 2026 from the Gobichettipalayam Assembly Constituency. He contended that the allegation regarding non-renewal of the Notary certificate, does not constitute a “corrupt practice” within the meaning of Section 123 of the RP Act and does not fall within any of the grounds enumerated under Section 100 of the RP Act for declaring an election to be void. Consequently, no cause of action has arisen for filing the election petition and the same is liable to be rejected.

3.2. He further submitted that, even assuming that the Advocate who attested the affidavit in Form No.26 had failed to renew his certificate of practice



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as a Notary, such defect would not constitute a substantial defect so as to materially affect the result of the election within the meaning of Section 100(1)(d)

(iv) of the RP Act. He contended that there is no allegation or material to establish that the alleged defect in the attestation had, in any manner, materially affected the result of the election. He further submitted that, by virtue of Section 87 of the RP Act, the provisions of the Code of Civil Procedure, 1908, are applicable to the trial of an election petition. Therefore, in the absence of any provision to the contrary under the RP Act, this Court is entitled to exercise its jurisdiction under Order VII Rule 11 of the Code of Civil Procedure and reject an election petition which does not disclose a legally sustainable cause of action. The object underlying both the statutory provisions is to prevent frivolous and meaningless litigation, which is otherwise bound to fail, from occupying the valuable judicial time of the Court. In support of his contentions, the learned counsel placed reliance upon several judgments.

4. Per contra, the learned counsel appearing for the respondent filed a counter and submitted that the grounds raised by the applicant cannot be considered at this stage for rejection of the election petition, as the same involve disputed questions of fact which can be adjudicated only after a full-fledged trial by letting evidence. The learned counsel further submitted that, while considering an application for rejection of an election petition, the Court is required to examine

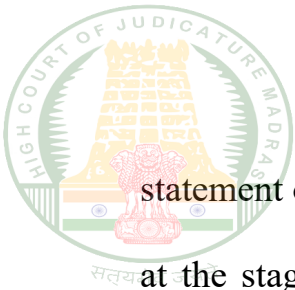


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only the averments contained in the election petition and the documents filed along with the election petition. The defence set up by the applicant and the documents produced in support thereof cannot be relied upon for determining whether the election petition discloses a cause of action. According to the learned counsel, the renewal certificate relied upon by the applicant itself demonstrates that the issue regarding the validity and subsistence of the Notary certificate is a disputed question of fact requiring evidence and adjudication at trial. He further submitted that once a disputed factual defence is raised by the applicant, the matter necessarily requires a full-fledged trial and the same cannot be short-circuited by invoking Order VII Rule 11 of the Code of Civil Procedure. Where the election petition discloses triable issues, the same cannot be rejected at the threshold, particularly on the basis of documents relied upon by the applicant in defence. Therefore, the documents produced by the applicant cannot be looked into for the purpose of rejecting the election petition at the preliminary stage.

4.1. In this regard, the learned counsel appearing for the respondent relied upon the judgment of the Hon'ble Supreme Court reported in **(2020) 7 SCC 366, in the case of Dahiben v. Arvinbhai Kalyanji Bhanusali**, wherein it was held that, while considering an application for rejection of a plaint, the Court is required to confine its consideration to the averments contained in the plaint and the documents annexed thereto. The averments made by the defendant in the written



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statement or the defence set up by the defendant cannot be taken into consideration

at the stage of deciding an application under Order VII Rule 11 of the Code of Civil Procedure.

4.2. He further submitted that the cause of action constitutes a bundle of material facts which the plaintiff is required to establish in order to obtain a judgment in his favour. According to the learned counsel, the person who attested the affidavit in Form No.26 did not possess a valid and subsisting authority as a Notary and that the Returning Officer had erroneously accepted the said affidavit in violation of Sections 100(1)(d)(i) and 100(1)(d)(iv) of the RP Act. Therefore, the election petition discloses a cause of action requiring adjudication upon evidence. Therefore, the he submitted that the present application is devoid of merits and prayed for dismissal of the Original Application.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. The respondent has filed the election petition challenging the election of the applicant, who is the returned candidate from No.106 - Gobichettipalayam Assembly Constituency, on the sole ground relating to the validity of the affidavit in Form No.26 filed by the applicant along with his nomination paper. The



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applicant had filed the affidavit in Form No.26 on non-judicial stamp paper dated

27.03.2026, which was attested by one G.P. Dharmaraja, Advocate and Notary

Public, bearing Registration No.17843/2019. It is the specific case of the respondent that, upon verification, it was found that the said Advocate did not possess a valid and subsisting certificate of practice as a Notary on the date of attestation of the affidavit, i.e., on 27.03.2026, since his certificate had expired and had not been renewed as on the said date. According to the respondent, it amounts to a serious illegality and constitutes fraud upon the election process. Except for the aforesaid ground, no other ground has been raised by the respondent in the election petition challenging the election of the applicant.

7. On perusal of the records, it is revealed that, after the filing of the nomination papers and during the course of scrutiny, the respondent and another person raised objections before the Returning Officer on 07.04.2026, along with the supporting annexures. On the very same day, the Returning Officer conducted a detailed enquiry into the objections and rejected the objections by an order dated 07.04.2026. The said objection has been annexed as Document No.5, while the order passed by the Returning Officer dated 07.04.2026 has been annexed as Document No.6 to the election petition. Thus, it is evident that the ground on which the present election petition has been instituted had already been specifically raised before the Returning Officer during the scrutiny of the



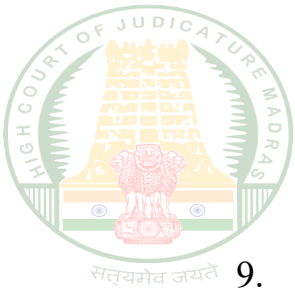
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nomination papers and had been duly considered and same was rejected by a reasoned order dated 07.04.2026.

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8. The objections raised by the respondent and another person before the Returning Officer were two-fold. The first objection related to the validity of the attestation made by the Advocate and Notary Public on the affidavit in Form No.26 was raised by the respondent. The second objection related to the alleged non-disclosure of certain income particulars by the applicant in his Income Tax Return for the relevant financial year was raised by the another objector. Both the objections were duly considered by the Returning Officer, and after conducting a detailed enquiry they were rejected as not sustainable at the stage of scrutiny of the nomination papers. Though the second objection was raised by the another objector before the Returning Officer alleging suppression of certain particulars in the nomination papers, the said objector has not been made as party to the election petition and the said ground was not even referred to in the present election petition. Furthermore, the respondent failed to challenge the order dated 07.04.2026 passed by the Returning Officer, in the manner known to law. Having allowed the said order to attain finality, the respondent has once again raised the very same objection before this Court by filing the present election petition, seeking to declare the election of the applicant as null and void, without demonstrating any legally sustainable ground under the RP Act for setting aside the election.



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9. Further, it has to be examined whether the averments contained in the election petition disclose a cause of action or any triable issue warranting adjudication. In this regard, the provisions of Sections 81, 83(1)(c) and 86 of the RP Act, read with Rule 94-A of the Conduct of Election Rules, 1961 and Form No.25, have to be read conjointly as forming an integral statutory scheme governing the institution and trial of an election petition. Non-compliance with the mandatory requirements prescribed under the said provisions may, result in rejection of the election petition at the threshold. It is pertinent to note the distinction between “material facts” and “material particulars”. While failure to plead material facts is fatal to an election petition, the absence or deficiency of material particulars may, be cured at a later stage by amendment. The material facts constitute the entire bundle of facts which, if established, would constitute a complete cause of action and, therefore, such material facts must necessarily be pleaded in the election petition. In the absence of the necessary material facts, the election petition would fail to disclose a complete cause of action.

10. Where an election petition alleges the commission of a corrupt practice, the law requires the election petitioner to set out full particulars of such corrupt practice in the manner prescribed by the RP Act. The election petition is also required to be supported by the requisite affidavit, and the election petitioner



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is obliged to disclose the source of information in respect of the allegations

relating to the commission of such corrupt practice. These requirements are

mandatory in nature and are intended to ensure that the returned candidate is made fully aware of the precise allegations which he is required to meet. Therefore, non-compliance with the mandatory requirements of Section 83 of the RP Act may, where the defect goes to the root of the pleadings and results in the election petition failing to disclose a cause of action, warrant its rejection at the threshold under Order VII Rule 11 of the Code of Civil Procedure, as made applicable by Section 87 of the RP Act. Thus, where the election petition does not contain the necessary material facts constituting a complete cause of action, or otherwise fails to satisfy the mandatory requirements of the RP Act relating to pleadings, the same is liable to be rejected at the threshold.

11. The Hon'ble Supreme Court of India has repeatedly held that, where an election petition is filed seeking a declaration that the election of the returned candidate is void on the ground of non-compliance with the provisions of the Constitution, the RP Act, or the rules or orders made thereunder, the election petitioner must specifically plead that such non-compliance has materially affected the result of the election insofar as it concerns the returned candidate. Mere allegation of non-compliance, without a specific averment would not by itself constitute a complete cause of action for declaring the election void. In the present



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case, the respondent has alleged that the Returning Officer failed to accept the

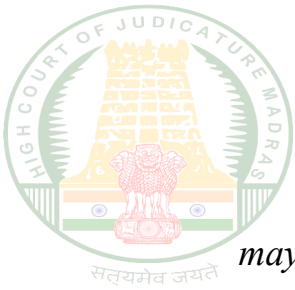
objection raised by him regarding the validity of the attestation made by the

Advocate and Notary Public on the affidavit filed by the applicant in Form No.26.

Except for the aforesaid allegation, the election petition does not disclose any other ground on which the election of the applicant is sought to be declared void.

More importantly, there is no specific averment demonstrating how the alleged defect in the attestation of the affidavit materially affected the result of the election insofar as the returned candidate is concerned. Thus, even assuming the allegation regarding the validity of the Notary's attestation to be correct, the election petition does not disclose the essential facts necessary to constitute a cause of action under Section 100 of the RP Act. Therefore, this Court is of the considered view that the election petition, even if the averments contained therein are taken at their face value, does not disclose a complete cause of action or any legally sustainable ground for setting aside the election of the applicant.

12. In this regard, it is relevant to refer to the judgment of the Hon'ble Supreme Court of India reported in **(2024) 18 SCC 592, Kanimozhi Karunanidhi vs. A. Santhana Kumar & Ors.**, wherein, after considering and relying upon the principles laid down in several earlier judgments, the Hon'ble Supreme Court summarised the legal position as follows:



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“28. The legal position enunciated in afore-stated cases may be summed up as under:-

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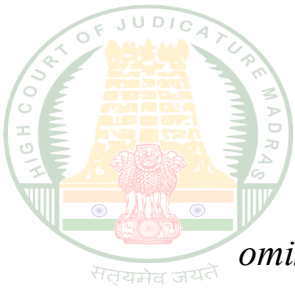
i. Section 83(1)(a) of RP Act, 1951 mandates that an Election petition shall contain a concise statement of material facts on which the petitioner relies. If material facts are not stated in an Election petition, the same is liable to be dismissed on that ground alone, as the case would be covered by Clause (a) of Rule 11 of Order 7 of the Code.

ii. The material facts must be such facts as would afford a basis for the allegations made in the petition and would constitute the cause of action, that is every fact which it would be necessary for the plaintiff/petitioner to prove, if traversed in order to support his right to the judgement of court. Omission of a single material fact would lead to an incomplete cause of action and the statement of plaint would become bad.

iii. Material facts mean the entire bundle of facts which would constitute a complete cause of action. Material facts would include positive statement of facts as also positive averment of a negative fact, if necessary.

iv. In order to get an election declared as void under Section 100(1)(d)(iv) of the RP Act, the Election petitioner must aver that on account of non-compliance with the provisions of the Constitution or of the Act or any rules or orders made under the Act, the result of the election, in so far as it concerned the returned candidate, was materially affected.

v. The Election petition is a serious matter and it cannot be treated lightly or in a fanciful manner nor is it given to a person who uses it as a handle for vexatious purpose.



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vi. An Election petition can be summarily dismissed on the omission of a single material fact leading to an incomplete cause of action, or omission to contain a concise statement of material facts on which the petitioner relies for establishing a cause of action, in exercise of the powers under Clause (a) of Rule 11 of Order VII CPC read with the mandatory requirements enjoined by Section 83 of the RP Act.”

13. As stated supra, the respondent has failed to comply with the mandatory requirement under Section 83(1)(a) of the RP Act by not pleading the necessary material facts constituting a complete cause of action and the specific ground contemplated under Section 100(1)(d)(iv) of the RP Act for declaring the election of the applicant void. Mere bald, vague and unsupported allegations cannot constitute sufficient compliance with the requirement of pleading material facts in an election petition. The material facts, being the primary and basic facts necessary to establish the cause of action, must be specifically pleaded by the election petitioner in support of the case set up by him. The omission to plead even a single material fact, where such fact is essential to constitute a complete cause of action, would render the election petition incomplete and liable to rejection. In the present case, the respondent has not pleaded the essential facts demonstrating how the alleged defect in the attestation of Form No.26 materially affected the result of the election insofar as the returned candidate is concerned. In the absence of such foundational pleadings, the election petition does not disclose a complete cause of



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action. Consequently, the applicant, being the returned candidate, is entitled to seek rejection of the election petition under Order VII Rule 11(a) of the Code of Civil Procedure, read with Section 83(1)(a) of the RP Act.

14. Further, even assuming that the nomination paper of the applicant was not properly scrutinised by the Returning Officer and that the election petitioner was entitled to question such alleged non-compliance by invoking Section 100(1)(d)(iv) of the RP Act, the election petition is nevertheless liable to be rejected for want of the necessary material facts constituting a cause of action under the said provision. Section 83(1)(a) of the RP Act mandates that an election petition shall contain a concise statement of the material facts on which the election petitioner relies and which constitute the cause of action. In the present case, there is no specific averment setting out the material facts as to how the alleged failure on the part of the Returning Officer to properly scrutinise the nomination paper amounted to non-compliance with any provision of the Constitution, the RP Act, or the rules or orders made thereunder, and, more importantly, as to how such alleged non-compliance materially affected the result of the election so as to attract Section 100(1)(d)(iv) of the RP Act.

15. The mere allegation that the affidavit in Form No.26 was attested by a Notary whose certificate of practice was allegedly not subsisting on the date of



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attestation, without pleading the necessary facts establishing the statutory violation

and its material effect upon the result of the election, cannot constitute a complete

cause of action under Section 100(1)(d)(iv) of the RP Act. The absence of such

vital and basic facts is not a mere deficiency in particulars, but goes to the root of

the cause of action pleaded in the election petition. In such circumstances, the

election petition, which fails to disclose a complete cause of action, is liable to be

rejected under Order VII Rule 11(a) of the Code of Civil Procedure, read with

Section 83(1)(a) of the RP Act.

16. In view of the above discussions, the Original Applications in O.A.No.807 of 2026 stands allowed. Consequently, the Election Petition stands dismissed. There shall be no order as to costs.

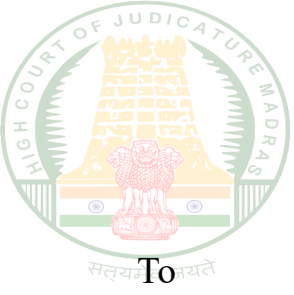
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Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

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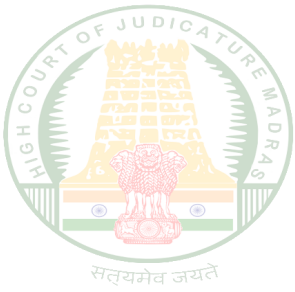


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The Returning Officer
No.106 Gobichettipalayam,
Legislative Assembly Constituency,
Gobichettipalayam Taluk, Erode District,
Tamil Nadu.



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G.K.ILANTHIRAIYAN, J.

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Original Application No.807 of 2026
and E.L.P.No.31 of 2026

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