

W.P.(MD) No.3794 of 2022

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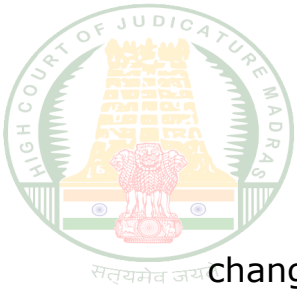
THE HON'BLE CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY,J.

(Order of the Court was made by the Hon'ble Chief Justice)

It is a case where this Court earlier took cognizance in regard to the serious allegation against the Returning Officer and the fifth respondent, who changed the result of the election after its declaration.

2. The petitioner was declared as the winning candidate for Ward No.10 of T.Kallupatti, Madurai District. It was after drawing of lots because the petitioner and the fifth respondent secured equal 284 votes in the election to Town Panchayat. The draw of lots was captured by CCTV camera, pursuant to the guidelines issued by the Election Commission to capture all the events of election and the direction by this Court to conduct free and fair election.

3. The allegation made by the petitioner was regarding the

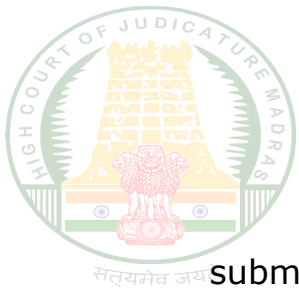


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change of result after declaring and flashing the name of the petitioner as the winning candidate. Her name was later on withdrawn and the fifth respondent was declared to be an elected candidate. A serious allegation of manipulation was made and accordingly, this Court directed learned counsel for the State Election Commission to produce the footage of CCTV camera covering the event of draw of lots and it was produced before the Court on 03.03.2022. On playing the same, it was found that the petitioner remains successful in the draw of lots and accordingly, initially, her name was flashed as the winning candidate. But, subsequently, it was changed and the fifth respondent was declared to be the winning candidate.

4. As the manipulation in change of result was found apparent on the face of the record, learned counsel for the State Election Commission was asked to keep the Returning Officer concerned to be present in Court. Pursuant to the direction aforesaid, the Returning Officer, who is now placed under suspension by the State Election Commission for changing the result, is present in Court. He



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submits that he had, in fact, declared the petitioner to be the winning candidate for Ward No.10. But, due to the pressure by a group of persons, supported by the fifth respondent and when the things did not remain under his control, he had to change the result.

5. In view of the above, the Returning Officer, who is present in Court, is directed to file an affidavit narrating the events and who compelled him to change the result, within a period of ten days. The fifth respondent, represented by her counsel, may also file a counter to the writ petition, if she so chooses, within the period aforesaid.

6. After the filing of an affidavit by the Returning Officer before this Court, this Court would pass further order in the matter, as we are not closing it, though the result as per the draw of lots has been declared and the petitioner is held to be the winning candidate for Ward No.10.



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7. List the matter on 18.03.2022.

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(M.N.B., CJ) (D.B.C., J.)
07.03.2022



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