

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on : 11.08.2026

Orders pronounced on : **18.08.2026**

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

E.L.P.No.45 of 2026
and O.A.Nos.749 and 795 of 2026

C.Geetha

.. Petitioner

Versus

1. Dr.N.Elaiyaraja

2. The Election Commission of India,
Narvachan Sadan,
Ashoka Road, New Delhi – 110 001.

3. The Returning Officer,
51-Uthangarai (SC),
Assembly Constituency,
Krishnagiri District.

4. The Chief Electoral Officer,
Tamil Nadu, Election Commission of India,
Public (Elections) Department,
Secretariat, Fort St. George,
Chennai – 600 009.

.. Respondents

Prayer : (a) declare that the election of the respondent No.1, E.C.Govindarasan, as the returned candidate from the 51 – Uthangarai (SC) Assembly Constituency in the General Elections to the Tamil Nadu

Legislative Assembly 2026 is void under Section 100(1)(c) of the Representation of People Act, 1951, on the ground that the nomination of the petitioner was improperly rejected, and accordingly set aside the said election for the said constituency;

(b) Award to the petitioner the costs of and incidental to this Election Petition.

For Petitioner : Mr.M.Venkatesh

For Respondents : Mr.I.Siddiq, for R1

: Mr.Niranjan Rajagopalan, for RR-2 to 4

ORDER

This Election Petition is filed by *C.Geetha*, praying that the election of the first respondent, *E.C.Govindarasan*, as the returned candidate from the 51 - Uthangarai (SC) Assembly Constituency in the General Elections to the Tamil Nadu Legislative Assembly, 2026, be declared void under Section 100(1)(c) of the Representation of the People Act, 1951, on the ground that the petitioner's nomination was improperly rejected.

2. On a careful perusal of the averments in the Election Petition, it appears that the nomination was rejected because the petitioner's name was not on the electoral roll. Thus, the nomination was correctly rejected.

The petitioner herself is aggrieved by the removal of her name from the rolls. Accordingly, she contends that the removal was erroneous and that she is therefore entitled to the relief.

3. It must be noted that the petitioner had already filed W.P.No.13550 of 2026 seeking to restore her name and to accept her nomination in the election. The prayer was rejected on merits vide order, dated 07.04.2026. Paragraph Nos.3 and 4 of the order are reproduced below:-

“3. It is admitted in the writ petition that specific timelines have been drawn for Special Intensive Revision (SIR) of Electoral Roll. The schedule starting from the date for commencement of house-to-house enumeration to the date of final publication of electoral roll was published, inter alia, specifying the timeline for publication of draft electoral roll and filing of objections thereto. The petitioner fairly admits that she had no knowledge of the deletion of her name until 2.4.2026. Learned Senior Counsel for the petitioner also submits that the petitioner has not filed any objection within the timeline announced by the Election Commission of India.

4. The petitioner, in our considered opinion, ought to have been on the qui vive and availed of the right to submit the objections within the timeline announced by the Election Commission of India. This Court exercising discretionary jurisdiction under Article 226 of the Constitution of India is not inclined to grant such relief, as the law aids the vigilant and not those who sleep over their rights.”

4. With reference to the consequential direction, the matter was

dealt with in paragraph Nos.5 and 6. It was submitted that once the election notification is issued, the Court will not intervene, and the prayer was rejected.

5. Thus, the order rejected the petitioner's claim on the merits, holding that when the entire SIR was given due publicity and the draft rolls were published, the petitioner slept over her rights. Admittedly, the petitioner did not verify the draft rolls, and her case is that she came to know only on 02.04.2026. The Special Leave Petition preferred by the petitioner was also dismissed by the Hon'ble Supreme Court of India. Thus, even taking all the averments in the petition as true, the petition does not disclose a cause of action to challenge the election of the first respondent, and hence the petition is liable to be dismissed.

6. Further, when the name of the returned candidate is *Dr.N.Elaiyaraja*, in paragraph No.2(v) of 6.21 and in the prayer, it is mentioned as *E.C.Govindarasan*. The Election Petition is filed on 17.06.2026, whereas, an application to amend the name to *Dr.N.Elaiyaraja* is filed on 24.07.2026 in O.A.No.795 of 2026. It is stated in the affidavit filed in support of the application that it is a clerical and typographical

error. Obviously, it cannot be a clerical or typographical error. During the course of the arguments, it was submitted that the petitioner filed two identical Election Petitions and therefore, it is a cut-and-paste mistake that the name of the returned candidate, in the other Election Petition, is wrongly mentioned in the present Election Petition also. But the said reason is not mentioned in the affidavit filed in support of the application. Though a clerical or typographical error is curable, in this case, it is not a clerical or typographical error, and the plea that it is a cut-and-paste error is not raised in the affidavit filed in support of the application. Hence, O.A.No.795 of 2026 stands rejected.

7. Once O.A.No.795 of 2026 is rejected, the Election Petition prays for setting aside the election of a wrong person, not the first respondent, and is therefore liable to be rejected. The prayer in O.A.No.749 of 2026, filed to reject the petition deserves, to be allowed.

8. It is settled law that if the Election Petition fails to disclose the foundational and material particulars and a complete cause of action, it is liable to be rejected at the threshold as per Section 83 of the Representation of the People Act, 1951, read with Order VII Rule 11 of the

Code of Civil Procedure. A useful reference in this regard is paragraph No.11 of the judgment of the Hon'ble Supreme Court of India in ***Azhar Hussain Vs. Rajiv Gandhi***¹. It is further held that it is the duty of the Court to examine this issue irrespective of any written statement [***Hari Shanker Jain Vs. Sonia Gandhi***² - paragraph No.24]. The principles shall be strictly applied in an Election Petition, and meaningless litigation should be aborted at the threshold, as the pendency of the litigation is likely to inhibit the functioning of the elected representative in discharge of her public duties. [***Ram Sukh Vs. Dinesh Aggarwal***³ - paragraph No.18].

9. In the result :

(i) O.A.No.795 of 2026, filed to amend the Election Petition, stands dismissed;

(ii) O.A.No.749 of 2026, filed to reject the Election Petition, stands allowed and consequently, the Election Petition No.45 of 2026 stands rejected;

(iii) There shall be no order as to costs. Hence, the security

1 1986 Supp SCC 315

2 (2001) 8 SCC 233

3 (2009) 10 SCC 541

deposit shall be refunded to the petitioner.

18.08.2026

Neutral Citation : yes
grs

To

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D.BHARATHA CHAKRAVARTHY, J.

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