



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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Part VI—Section 2

**Notifications or Orders of interest to a section of the public
issued by Heads of Departments, etc.**

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

TAMIL NADU STATE ELECTION COMMISSION, CHENNAI-600 106.

[ELECTIONS-CASUAL ELECTIONS, JANUARY 2011-CORPORATION COUNCILLOR ELECTION-WARD No. 45 OF MADURAI CITY MUNICIPAL CORPORATION-REJECTION OF NOMINATION PAPERS-ACTION OF THE ASSISTANT RETURNING OFFICER NOT IN ACCORDANCE WITH RULES-CANCELLATION OF PROCEEDINGS OF THE ASSISTANT RETURNING OFFICER-ORDERED TO REVISE THE LIST OF VALIDLY NOMINATED CANDIDATES (FORM 6)-REGARDING.]

(S.O. No. 1/TNSEC/2011/ME-1)

READ:

1. S.O.No. No. 71/2010/TNSEC/ME-1, dated 16th December 2010.
2. List of validly nominated candidates (Form 6) published by the Assistant Returning Officer, Ward No. 45 of Madurai City Municipal Corporation Election on 30th December 2010.
3. Report from the Election Observer, Ward No. 45 of Madurai City Municipal Corporation Election, Letter Rc. No. A1/133/2010, dated 1st January 2011 (received through fax).

No. VI(2)/a/2011.

Whereas the Tamil Nadu State Election Commission inter-alia notified casual election to Ward No. 45 of Madurai City Municipal Corporation scheduled to be held on 10th January 2011 in the Notification first read above.

Whereas the Assistant Returning Officer of the said election published the list of validly nominated candidates (Form 6) on 30th December 2010 wherein only two nominations have been mentioned as valid nominations.

Whereas the Tamil Nadu State Election Commission came to know through media that two nominations were rejected by the Assistant Returning Officer without valid reasons.

Whereas based on the above said news, the Tamil Nadu State Election Commission has called for reports from the District Election Officer.

Whereas the Commission has also called for a specific report from Thiru R. Muthu, Special District Revenue Officer (NH-Land acquisition), Virudhunagar District who has been appointed as Election Observer for the said elections to specify as to whether the reasons for rejection of nominations for the election to the said ward were attracted under the grounds for rejection as per relevant provisions of the Act/Rules or not.

Whereas the Observer has sent his detailed and specific report in the reference third read above, wherein he has clearly stated that the reasons for rejection of nomination papers of Thiru K. Chandrasekaran candidate of CPI (M) and Thiru A. Gounder, Independent Candidate by the Assistant Returning Officer of Ward No.45 of Madurai City Municipal Corporation were not attracted under the grounds for rejection as per the election rules and as per the instructions issued in the Hand Book for Returning Officers-2006.

Whereas sub-rule (5) of rule 27 of the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporations (Elections) Rules, 2006 provides that the Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

Whereas the Commission after careful examination of the reports received and the relevant provisions of the rules came to considered opinion to exercise its power to remove the difficulty by issuing suitable directions to revise the list of validly nominated candidates published by the Assistant Returning Officer on 30th December 2010

Whereas it has become expedient to intervene *suo motu* by the Commission and pass suitable orders to revise the list of validly nominated candidates in Form 6 in accordance with rules and to ensure justice besides conduct of free and fair elections without causing injustice to any candidate.

Now Therefore the Tamil Nadu State Election Commission in pursuance of rule 139 of the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporations (Elections) Rules, 2006 hereby orders the cancellation of all the proceedings of the Assistant Returning Officer in publishing the list of validly nominated candidates in Form 6 on 30th December 2010 and directs to revise the same (Form 6) in accordance with rule provisions.

The last date for withdrawal of nominations and other programme of elections will be the same as already notified by the Commission.

(By Order of the Tamil Nadu State Election Commission)

Chennai-600 106,
3rd January 2011.

V.M. XAVIER CHRISO NAYAGAM,
Secretary,
Tamil Nadu State Election Commission.