



# 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.

[ELECTIONS—ORDINARY ELECTIONS TO URBAN LOCAL BODIES' 2001 AND ORDINARY ELECTIONS TO RURAL LOCAL BODIES' 2006—SALEM DISTRICT—CONTESTED CANDIDATES—ACCOUNT OF ELECTION EXPENSES—FAILURE TO LODGE—DISQUALIFIED—DISQUALIFIED PERSON (THIRU S. NATARAJAN)—CONTESTED IN RURAL LOCAL BODY ELECTION DURING THE PERIOD OF DISQUALIFICATION BY CHANGING HIS NAME—ENQUIRIES/INVESTIGATIONS CONDUCTED BY THE AUTHORITIES—VIOLATION PROVED—DISQUALIFICATION—ORDERED.]

(S.O. No. 56/2010/TNSEC/PE-1.)

READ:

1. S.O. No. 57/96/SEC, dated the 22nd October 1996.
2. S.O. No. 41/2001/TNSEC/PE-1, dated the 28th June 2001.
3. From the District Election Officer/District Collector, Salem District Lr.Rc. No. 43325/2003/T1, dated 9th September 2003.
4. Show Cause Notice issued in Tamil Nadu State Election Commission Lr.Rc. No. 54/2004/EE2, dated 5th January 2004.
5. From the District Election Officer/District Collector, Salem District Lr.Rc.No. 86816/2003/T1, dated 9th March 2004 and 12th April 2004.
6. Additional Government Pleader, High Court, Chennai letter dated 8th December 2009.
7. Letter No. 71953/2006/த.1, dated 13th July 2009 from the District Collector, Salem.
8. S.O.No. 11/04/TNSEC/ME-1, dated 21st July 2004.

##### No.VI(2)/355(a)/2010.

Whereas, in the Notification issued with the Statutory Order first read above, this Commission directed that all the contesting candidates in the elections listed therein shall lodge a true copy of their election expenses kept by them or by their respective election agent under sub-rule (1) of rule 92 of the Tamil Nadu Town Panchayats and Municipal and Corporation Councils (Elections) Rules, 1996, in the format prescribed therefor under sub-rule (2) of rule 92 of the said Rules with the officers mentioned therein, within one month from the date of declaration of the result of the elections;

2. Whereas, in the Notification issued with the S.O. second read above, this Commission prescribed a format for the said purpose;

3. Whereas, this Commission conducted Ordinary elections to the Urban Local Bodies during October 2001;
4. Whereas, the District Election Officer/District Collector, Salem District, in his letter third read above reported that 513 candidates contested in the said Ordinary elections for various offices failed to lodge copies of their account of election expenses as directed by this Commission;
5. Whereas, based on the report of the said District election Officer/District Collector, a show cause notice was issued in the reference fourth read above to each of the contested candidate, who failed to lodge a true copy of the account of election expenses in the Ordinary election held during the month of October 2001, through the District Election Officer/District Collector, calling for explanation within 21 days of the receipt of the said notice, as to why action should not be taken against him as per sub-section (6) of Section 58 of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) read with Section 8 of the Salem City Municipal Corporation Act, 1994 (Tamil Nadu Act 29 of 1994) and sub-section (2-A) of Section 49 of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), as the case may be;
6. Whereas, the said District Election Officer/District Collector in his letter fifth read above, reported that out of the said 513 contested candidates, two contested candidates died, 281 contested candidates lodged the account of election expenses and 230 contested candidates have neither submitted their explanations nor lodged the account of election expenses inspite of the show cause notices issued to them;
7. Whereas, in view of the said report of District Election Officer/District Collector, the Tamil Nadu State Election Commission satisfied that 230 candidates listed out therein have failed to lodge their account of election expenses as required by or under the Acts and have no justification for the failure.
8. Whereas, one Thiru S. Natarajan, son of Sellappan contested in Ward No. 13 of Thammampatty Town Panchayat was also one among the defaulters.
9. Whereas, considering the abvoe, the Tamil Nadu State Election Commission had issued disqualification ordes in the S.O. No. 11/04/TNSEC/ME-1, dated 21st July 2004 read above, duly disqualifying the said 230 candidates including Thiru S. Natarajan, son of Sellappan (Sl. No. 189 in the Table) for being elected as Mayor or Chairman or Councillor or Ward Member for a period of three years from the date of the said order under relevant provisions of the Acts and Rules.
10. Whereas, the disqualification orders was in operation till 20th July 2007 *i.e.* three years from 21st July 2004, the date of issue of disqualification orders.
11. Whereas, it has been informed by the District Election Officer/District Collector, Salem in his letter No. 71953/2006/த.1, dated 13th July 2009, that one Thiru Maruthamuthu, son of Sellappan contested and elected in Ward No. 1 of Jangamasamudram Village Panchayat of Gangaveli Panchayat Union of Salem District during 2006 Ordinary Elections is none other than the one Thiru Natarajan, son of Sellappan who contested in Ward No. 13 of Thammampatty Town Panchayat was disqualified earlier by the Commission in the S.O. No. 11/04/TNSEC/ME-1, dated 21st July 2004 read above and also requested the Commission to take necessary action.
12. Whereas, the District Election Officer/District Collector, Salem has also enclosed the investigation/enquiry reports of the Panchayat Union Commissioner Gangaveli and Tahsildar, Gangaveli wherein it has been clearly revealed that Thiru S. Maruthamuthu, son of Sellappan, Ward No. 1 of Jangamasamudram Village Panchayat is the same person who contested in the Thammampatty Town Panchayat elections held during October 2001 and disqualified for three years for his failure to lodge elections with effect from 21st July 2004 *vide* Commission's Statutory Order No. 11/04/TNSEC/ME-1, dated 21st July 2004 read above.
13. Whereas, the President of Jangamasamudram Village Panchayat and the other Ward Members and the Village people have also identified that Thiru Maruthamuthu, son of Sellappan is the same person *i.e.*, who contested the Thammampatty Town Panchayat Ward Member elections in 2001 with the name Thiru Natarajan, son of Sellappan and disqualified for his failure to lodge his account of election expenses.
14. Whereas, it has been proved as per relevant records and reports obtained from the District Election Officer and District Officials that the disqualified person Thiru Natarajan, son of Sellappan has contested in the election to Ward No. 1 of Jangamasamudram Village Panchayat fraudulently by registering his name as Thiru Maruthamuthu, son of Sellappan that too when the disqualification orders issued was in existence. Thus, he intentionally violated the orders issued in accordance with law.
15. Whereas, the spirit of the enactment of relevant laws by the Legislature both for Rural and Urban Local Bodies in the matter of lodging of election expenses by the contesting candidates is to bring transparency and to eliminate malpractices in elections due to non filing of election expenses.
16. Whereas, the said individual Thiru Maruthamuthu, son of Sellappan Ward No. 1, Member of Jangamasamudram Village Panchayat is the same person who was so called as Thiru Natarajan, son of Sellappan, a disqualified person contested in Ward No. 13 of Thammampatty Town Panchayat during his period of disqualification and thus violated the provisions of law.
17. Whereas, the Additional Government Pleader, High Court on 8th December 2009 has also opined in letter Dated 8th December 2009 read above, that action may be taken to disqualify the said person under Section 37(4) of Tamil Nadu Panchayats Act, 1994 besides registering a criminal case under IPC.

18. Now, therefore, it has become expedient to disqualify the said person Thiru Maruthamuthu, son of Sellappan, Ward Member of Ward No. 1, Jangamasamudram Village Panchayat since it is proved that he is the same person who was disqualified earlier by the Commission for non-filing of election expenses account *vide* Statutory Order No. 11/04/TNSEC/ME-1, dated 21st July 2004 read above, for the said cause besides directing the District authorities to take necessary action under IPC.

19. Therefore, in exercise of the powers conferred by sub-section (2-A) of Section 49 of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), Section 37(4) of the Tamil Nadu Panchayats Act, 1994, rules 120 and 121 of the Tamil Nadu Panchayats (Elections) Rules, 1995 and rules 116 and 117 of Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Corporations (Elections) Rules, 2006, the Tamil Nadu State Election Commission hereby declares that Thiru Maruthamuthu, son of Sellappan the then called Thiru Natarajan, son of Sellappan shall be disqualified for being a Member or for being chosen as a Member or President for a period of three years from the date of the order.

(By Order of the Tamil Nadu State Election Commission)

Chennai-600 106,  
26th July 2010.

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