

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.16237 of 2015
and
M.P.Nos.1 and 2 of 2015

K.K.Ramesh

...Petitioner

-vs-

1. The Government of India,
rep. by its Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. The Government of India,
rep. by its Secretary,
Ministry of Law and Justice,
Union Secretariat,
New Delhi.
3. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi-110 001.
4. The Chief Election Officer (CEO),
Tamilnadu,
Fort St. George, Secretariat,
Chennai-600 009.
5. The Government of Tamilnadu,
rep. by Assembly Secretary,
Secretariat,
Chennai-600 009.
6. P.Vetrivel

7. Selvi J.Jayalalitha,
General Secretary,
Anna Dravida Munnetra Kazhagam,
226, Avvai Shanmugam Salai,
Royapettah,
Chennai-600 014.

...Respondents

Petition under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 herein to amend Section 151 A and 169 (1) of Representation of People Act, 1951 to conduct the by-election by forming an expert committee to have strict and powerful Rules and Regulations for deducting the irregularities in by-election, then only crores of people money will be saved and malpractices also will be curtailed by considering the petitioner's representation dated 01.06.2015.

For Petitioner : Mr.K.K.Ramesh
Party-in-person

For Respondents : Mr.Su.Srinivasan
Addl. Solicitor General for R1 & R2
Mr.G.Rajagopalan
Senior Counsel
for
M/s.G.R.Associates for R3 & R4
Mr.STS.Moorthy
Government Pleader for R5

O R D E R

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

The petitioner seeks to persuade this Court to do the legislative action of amending the legislation, more particularly, the provisions of Section 151 A and 169(1) of Representation of Peoples' Act, 1951. It is his say that there is wastage of public money on account of the vacancies being caused by the resignation of MLAs and thereafter, by-election being held.

2. Be that as it may, we are of the view that the aforesaid exercise is a legislative exercise and no one can be prevented from resigning from the post, if he so desires. As to what is the view of the people would reflect in the ballot box.

3. We are not inclined to entertain this Public Interest Litigation.

4. The writ petition is dismissed. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
 2. The Secretary,
Ministry of Law and Justice,
Union Secretariat,
New Delhi.
 3. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi-110 001.
 4. The Chief Election Officer (CEO),
Tamilnadu,
Fort St. George, Secretariat,
Chennai-600 009.
 5. The Assembly Secretary,
Secretariat,
Chennai-600 009.
- 1 CC to Mr.K.K. Ramesh, Advocate SR.No. 27490
- 1 CC to the Government Pleader, SR.No. 27715

UG (CO)
PSI (17.06.2015)

W.P.No.16237 of 2015