

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17461 of 2015

And

M.P.No.1 of 2015

K.R.Ramaswamy alias Traffic Ramaswamy ... Petitioner

Vs.

- 1 The Chief Election
Commissioner Nirvachan Sadan Ashoka Road
New Delhi-110 001.
- 2 The Chief Electoral Officer
of Tamilnadu Fort St. George
Chennai-600 009.
- 3 The Secretary
Ministry of Finance 134 North Block New
Delhi-110 001.
- 4 The Collector
Chennai City Chennai-1.
- 5 The Commissioner
Chennai Corporation Chennai-3.
- 6 The Commissioner of Police
Chennai City Vepery Chennai-7.
- 7 The Inspector of Police
H6 R.K.Nagar Police Station
Chennai-600 021.
- 8 The Inspector of Police
H3 Tondiarpet Police Station
Chennai-600 081.
- 9 The Inspector of Police
H5 New Washermenpet Police Station
Chennai- 600 021.

10 The Inspector of Police
H4 Korukupet Police Station
Chennai-600 021.

11 The Inspector of Police
N1 Royapuram Police Station
Chennai-600 013.

12 The Inspector of Police
J3 Guindy Police Station Chennai-600 032.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to monitor the bye elections at No.11, Radhakrishnan Nagar, Chennai District directly with complete CCTV recordings starting from the canvassing polling and counting stations directly uploaded lively in the official website of 1st and 2nd respondents till the elections results declared and consequently direct the respondent Nos.1 to 3 to take necessary action against the offenders for their misconduct lavishing expenditure abuse process of executive powers in view to save the lives and limbs of the contesting candidates in the constituency in accordance with the constitutional provisions to the letter and spirit.

For Petitioner : Mr.A.Ramesh Manikandan

For Respondents : Mr.G.Rajagopalan, A.S.G.
Assisted by Mr.Niranjan Rajagopalan
for Union of India
Mr.A.L.Somayaji, A.G.
and Mr.S.Shanmugavelayutham, P.P.
Assisted by
1)Mr.V.Subbiah, Spl.G.P.
2)Mr.R.Vijayakumar, A.G.P.
Ms.P.Rajalakshmi, G.A.
for State Government

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he is the Founder, Chairman of Tamil Nadu Social Workers Organization and the said organization is rendering free service to the citizens of the country mainly in Tamil Nadu by way of protecting their valuable rights enshrined in the Constitution of India, the other laws, rules and regulations of the Central and State Governments. Petitioner has also filed numerous Public Interest Litigations, purely in public interest and thereby espouse the cause of general public.

3.The petitioner would submit that he is one of the candidates in respect of the bye-election conducted for election of a member of the Legislative Assembly in Radhakrishnan Nagar Assembly Constituency. It is the case of the petitioner that the election norms have been thrown into wind and though it has been brought to the knowledge of the concerned officials in person as well as in the form of representations, no action has been taken so far and the State Government Officials are turning blind eye to the brazen and blatant violation, done by persons belonging to a particular political party whose candidate is also contesting in the said election.

4.The petitioner in this regard, submitted series of representations to the Collector of Chennai District, Secretary to Government, Home Department, Government of Tamilnadu, Commissioner, Corporation of Chennai, Commissioner of Police, Chennai City and Secretary to Government Municipal Administration, Water Supply Department and the said representations failed to invoke any kind of response. The petitioner has also sent a fax message dated 14.06.2015 to the Chief Election Commissioner, Election Commission of India, New Delhi, Chief Electoral Officer, Tamil Nadu, The Special Officer appointed by the Election Commission of India to observe the said bye-poll as well as to the Returning Officer and though the fax message was acknowledged, the first and second respondents did not care to take any action and hence came forward to file this writ petition.

5.Mr.A.Ramesh Manikandan, learned counsel appearing for the petitioner would contend that the democracy survives on the purity of the election process and in utter violation of model code of conduct, people belonging to a particular political party are indulging in corrupt and un-ethical practice and though it is brought to the knowledge of the first and second respondents, they never care to take any kind of action and left with no other option, the petitioner has filed this writ petition before this Court.

6.This Court heard the submissions of Mr.G.Rajagopalan, learned Additional Solicitor General of India, who on instructions would submit that for expenditure monitoring, 28 Flying Squads are in operation and they are covering the area 24 hours a day and 6 Static Surveillance Team were also deployed so also 3 Video Surveillance Team to take the photograph of the campaigning and other matters related to the election. Election Commission has also summoned the services of Para Military personnel for smooth and orderly conduct of the election, and in this regard, services of 10 Companies have been summoned and they are also closely monitoring the law and order situation. Micro Observers are also to be appointed who are the Central Government Employees in all 230 polling stations for conduct of election and 104 cameras have been installed in 29 locations in critical areas comprised in Dr.Radhakrishnan Nagar Assembly Constituency and it is also monitored by the Control Room.

7.It is the further contention of the learned Additional Solicitor General of India that the Election Commission of India is also monitoring to ensure free and fair election and everything is in order and therefore, the apprehension expressed by the petitioner is wholly unfounded.

8.The submission made by the learned Additional Solicitor General of India on instructions, is placed on record and in the light of the same, the apprehension expressed by the petitioner is unfounded.

9.It is the well settled position of law that once the Election process is commenced, it cannot be interfered by this Court and the remedy open to the candidate who lost in election, is to file the Election Petition and the petitioner is always at liberty to work out the said remedy in accordance with law.

10.In the light of the reasons assigned above, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

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- 1 cc to Mr..A.Ramesh Manikandan, Advocate Sr.No.30115
- 1 cc to Government Pleader.Sr.No.30134
- 1 cc to M/s.G.R.Associates , Advocate Sr.No.30288

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