

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2015

CORAM

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

W.P.No.9817 of 2006

S.Sathia Chandran
Advocate,
183, II Floor,
Thambu Chetty Street,
Chennai-600 001.

.. Petitioner

vs

1.The Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi-110 001.

2.The Chief Electoral Officer,
Public (Elections) Department,
Secretariat,
Chennai-600 009.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to directing the respondents to implement Rule 49-O of the Conduct of Election Rules, 1961 by providing an option to that effect in the Ballot paper or on the Electronic Voting Machine, as the case may be, in the conduct of all future elections both to the Parliament and State Legislature to enable the elector(s) to register their decision not to record their votes.

(Prayer amended as per Order dated 11.3.2010 in W.P.MP.NO.210/10)

For Petitioner .. Mr.S.Sathia Chandran
(Petitioner-in-person)

For Respondents .. Mr.Naveen Rajagopalan
for
M/s.G.R.Associates for R1

Mr.STS.Moorthy
Govt. Advocate for R2

O R D E R

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

The writ petition is disposed of as infructuous, in view of the submission of the learned counsel for parties that the provision assailed is no more on the statute book, having been held as unconstitutional by the judgment of the Hon'ble Supreme Court in People's Union for Civil Liberties v. Union of India and another, reported in (2013) 10 SCC 1. No costs

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sra

To

- 1.The Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi-110 001.
- 2.The Chief Electoral Officer,
Public (Elections) Department,
Secretariat,
Chennai-600 009.

+1cc to M/s.G.R.Associates ,Advocate SR.No.20553/15

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pmk.28.4.2015