

In the High Court of Judicature at Madras

Dated: 26.11.2015

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The Honourable Mr.JUSTICE M.M.SUNDRESH

Writ Petition No.36211 of 2015

& M.P.No .1 of 2015

R.S.Bharathi

.. Petitioner

Vs

1.The Election Commission of India,
Rep. By the Chief Election Commissioner,
Nirvachan Sadan, Ashoka Road,
New Delhi-100 001.

2.The Chief Electoral Officer of Tamilnadu,
Secretariat, Chennai-600009.

.. Respondents

PRAYER: PETITION is filed under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the Respondents to forthwith furnish printed and soft copy of the entire details of applications submitted during the period from 20.09.2015 to 24.10.2015 (Special Summary Revision-2016) in Form Nos. 6, 7, 8 and 8-A for inclusion, deletion, corrections and transpositions in the voters lists as it is filled in by the applicants such as Name, Father/Husband's name, Full Address with Door Number, Street Name, ward Number and Area/Village Name by Ward-wise and Constituency-wise to the respective Booth Level Agents (BLA1 and BLA-2) of DMK party through District Electoral Officers (DEO) and Electoral Registration Officers (ERO) of all Assembly Constituencies in Tamilnadu and to give time of seven clear days, from the day of its supply, to submit objections on the same, by extending the last date of taking decision from 16.11.2015 to a further reasonable time of not less than 15 days thereafter and to strictly adhere/comply with the instructions issued ECI's Letter No.23/2015-ERS dated 31.07.2015 issued by the first respondent on all aspects including taking decision on all claims and objections, without passing any orders on any application till such time.

For Petitioner : Mr.N.R.Elango, Senior Counsel
for
Mr.R.Girirajan

For Respondents : Mr.Niranjan Rajagopal for
M/s G.R. Associates.

ORDER

The main grievance of the petitioner in this writ petition appears to be that the particulars which have been provided do not contain the door numbers putting it in a jeopardy in verifying the voters list, particularly, the inclusion. The petitioner being a political party has come forward to file this writ petition alleging that there is a sudden addition of members in the list of voters en mass.

2. When the matter was taken up for hearing on the last occasion, this was pleased to pass the following order.

" Though arguments have been made at length, the fundamental grievance of the petitioner appears to be in the list furnished by the ERO's (Electoral Registration Officers) of the respondent. While there is mention about the name of the applicant, his father's name, street and the district/town, there is no mention about the door number. Thus, the grievance is, it is practically impossible to verify the bogus/cross voting by the political party. Therefore, it would be appropriate if the door numbers are given along with particulars already given.

2. The learned counsel for the respondents submitted that the practice in vogue hitherto has to be followed till now. On the request of the petitioner, door number has been put up in the dynamic page of the website and the petitioner can upload it. The learned Senior counsel appearing on behalf of the petitioner submitted that it is practically, impossible to do so at every district/booth level.

3. After all, the role of the respondent is to conduct a free and fair election. Thus, all the procedures contemplated and adopted are meant for that purpose. There is no restriction on the procedures to be followed keeping in mind of the object and ratio behind it.

4. Therefore, the respondents are hereby directed to inform this Court about the feasibility of including the door number in the list furnished/to be furnished at the booth level as

there is still sufficient time."

3. On instruction, the learned counsel appearing for the Election Commission of India produced the letter, which is extracted hereunder.

"ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

No.509/141/2015-RCC

Dated:23rd November, 2015

To

The Chief Electoral Officer,
Tamil Nadu,
Chennai.

Subject:- In the High Court of Madras- Writ Petition No.36211 of 2015 - R.S.Bharathi Vs. The Election Commission of India & Ors.- regarding.

Sir,

I am directed to refer to your letter No.4747/2015-45, dated 19.11.2015, on the subject cited, and to inform that we may inform the Hon'ble High Court that soft copy of the CD containing the lists in Form 9 (part-wise) can be furnished to the petitioners at the ERO level for each constituency.

You are requested to brief the counsel for placing the above position before the Hon'ble High Court at the time of hearing in the matter.

Yours faithfully,

(Binod Kumar)

Under Secretary"

4. The learned Senior Counsel appearing for the petitioner submitted that along with Form-9, the list in Form 10, 11, and 11A has to be provided by way of CD.

5. The learned counsel appearing for the respondents, on instruction, submitted that the CD would be provided in the same manner by way of a soft copy of the CD as in the case of Form-9 containing the door numbers. Thus, the grievance of the petitioner has been complied with substantially.

6. The learned Senior Counsel made one more submission that in view of the on going process, the time limit fixed as 05.12.2015 for the disposal of the claims and objections has to be extended.

7. The learned counsel appearing for the respondents submitted that if the petitioner makes a representation in this regard, at the earliest the same would be considered objectively.

8. Considering the said submission, liberty is given to the petitioner to make a representation in which case, the respondents shall consider the same expeditiously.

9. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

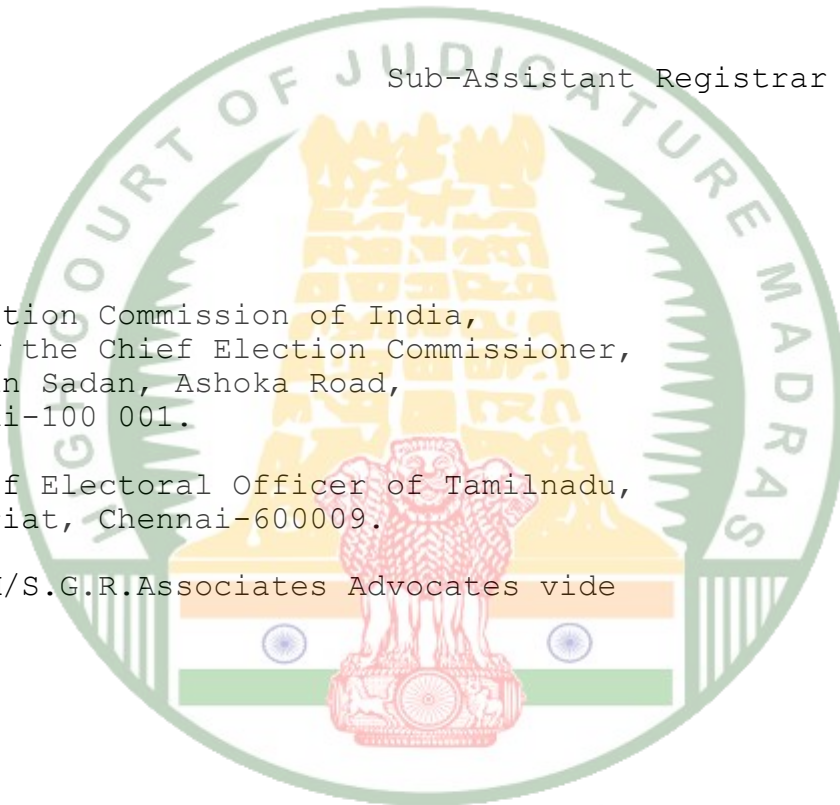
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To

1.The Election Commission of India,
Rep. By the Chief Election Commissioner,
Nirvachan Sadan, Ashoka Road,
New Delhi-100 001.

2.The Chief Electoral Officer of Tamilnadu,
Secretariat, Chennai-600009.

+1 cc to M/S.G.R.Associates Advocates vide
sr.64643



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