

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.3674 of 2015
and M.P.No.1 of 2015

N.Anand .. Petitioner
-vs-

- 1.Election Commission of India,
Rep. by The Chief Election
Commissioner of India, Nirvachan Sadan,
Ashoka Road, New Delhi.
- 2.The Chief Electoral Officer of Tamil Nadu,
Public (Elections) Department,
Secretariat, Fort St. George, Chennai-600 009.
- 3.Dr.K.S.Palanisamy
The District Election Officer cum District
Collector, Trichirappalli District.
- 4.Manoharan
The Returning Officer cum Revenue
Divisional Officer, Trichy. Respondents

Petitions under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st and 2nd respondents to replace the 3rd and 4th respondents with impartial and competent officers and further direct the Respondents 1 and 2 to take all effective measures to ensure the conduct of free and fair election to No.139 SriRangam Assembly Constituency scheduled to be held on 13.02.2015 by acting on the representations and complaints already made to them by the petitioner and the DMK party in particular the representation dated 10.02.2015 and also by deploying adequate CRPF personnel and flying squads throughout the constituency to check electoral offences including distribution of money to voters by videographing the entire election process from polling till the election result.

For Petitioner : Mr.P.Wilson, Senior Counsel
For Mr.R.Girirajan

For Respondents : Mr.G.Rajagopal,
Additional Solicitor General
for Respondents 1 to 4.

O R D E R

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

The present petition really arises as an exercise of apprehension about the probity of the election process in Srirangam Assembly Constituency scheduled for tomorrow (13.02.2015).

2.Learned Additional Solicitor General appearing for the Election Commission submits that there is no reason whatsoever for such an apprehension, as necessary measures have been taken for a free and fair election. In fact, learned counsel for the petitioner himself concedes that in view of the grievances against the fourth respondent, in midnight, he has been removed by the Election Commission as the Returning Officer.

3.Learned Additional Solicitor General submits that the following measures have been taken for free and fair election:

1. 15 Flying Squad Teams, 12 Static Surveillance Teams, 12 Video Surveillance Teams have been formed for monitoring and curbing the distribution of money / gifts/ liquors, etc. for votes.
2. 50 Special squads manned exclusively by Central Armed Police Force personnel have been deployed with effect from 09.02.2015.
3. 2657 personnel including 10 companies of Central Armed Police Force have been deployed for the polling day.
4. A District Control Room at Tiruchirappalli through the toll free number ''1800 425 7030'' has been established and so far, 33 complaints have been received and disposed of.
5. Apart from the District Control Room, a 24x7 control room has been set up at the CEO's office for registering complaints from the public through the toll free number ''1950'' in connection with the said bye-election. So far, 26 complaints have been received and communicated to the District Election Officer, Tiruchirappalli, for immediate appropriate action.
6. To check electoral offences during poll, polling in all 322 polling stations will be video recorded through a laptop and camera and arrangements have also been made to webcast as many of these video streams on internet as the internet connectivity would permit from respective locations.
7. Micro Observers are appointed in all the 322 polling stations.
8. Three Observers, i.e. General Observer, Police Observer and Expenditure Observer, have been appointed by the Election Commission of India. One Special Observer in addition has been appointed in the senior rank, who is a CEO himself of the State of Karnataka and posted by the Election Commission.

9. Entire counting process will be videographed.

4. We have no doubt that with the aforesaid measures taken, the Election Commission, which has held elections all over the country, while the present election is for only one constituency, is fully geared to ensure a free and fair election.

5. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2014 stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra
To

1. The Chief Election Commissioner of India
Election Commission of India,
Nirvachan Sadan, Ashoka Road, New Delhi.
2. The Chief Electoral Officer of Tamil Nadu,
Public (Elections) Department,
Secretariat, Fort St. George, Chennai.
3. The District Election Officer cum District
Collector, Trichirappalli District.
4. The Returning Officer cum Revenue
Divisional Officer, Trichy.

- 1 cc to Mr. Mr.R.Girirajan, Advocate, SR.No.7619
1 cc to Mr.G.R.Associates , Advocate, SR.No.7691
1 cc to Government Pleader, Sr.No.7648

W.P.No.3674 of 2015

vsn(co)
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