

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.04.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice M.M.SUNDRESH

W.P.No.12955 of 2016

R.Balasubramanian

... Petitioner

Versus

1.The Union of India
rep. By its Secretary to Government
Ministry of Law, New Delhi.

2. The Chief Election Commissioner,
represented by its Secretary,
New Delhi 1.

3.The Chief Electoral Officer,
Tamil Nadu, Chennai 600 009.

4.Saidai S.Duraiswamy

5.M.K.Stalin

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondents 1 to 3 to consider the representation dated 21.03.2016 to pass appropriate order according to law.

For Petitioner ::: Mr.R.Balasubramanian

For Respondents ::: Mr.Su.Srinivasan

Assistant Solicitor General
for R.1

Mr.Niranjan Rajagopal for
M/s.G.R.Associates
for R.2 and R.3

O R D E R

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

The petitioner, claiming to be a voter of Kolathur constituency and an Advocate by profession, seeks directions for his representation dated 21.03.2016 to be processed.

2. The petition is directly affecting the 5th respondent, who was elected from the same Constituency, and his election was challenged by the 4th respondent, the losing candidate. That election petition has unfortunately still not seen a final conclusion. The petitioner seeks to disqualify both the candidates by amendment through an interim arrangement by the Parliament, so that if election petitions are not disposed of within six months, both parties should not be entitled to contest the election.

3. We are not inclined to entertain this petition for the following reasons:

(i) Whether such a provision has to be made or not by amending the Representation of People's Act, 1951 is a matter purely within the legislative domain.

(ii) It is difficult even otherwise to accept the principles sought to be canvassed by the petitioner -- mere pendency of the election petition should disqualify any candidate.

(iii) Though there may be other election petitions pending, the direction sought for by the petitioner in this case specifically targets the 5th respondent - a possible political enterprise through the present petition.

(iv) The election process has already begun, the Election Commission is seized of the said matter and the endeavour now being made through this petition is once again to cause some hindrance in the election process.

(v) The petitioner had earlier filed a petition against the 5th respondent, being W.P.No.8311 of 2011, which was dismissed.

4. We are unequivocally of the view that this is more of a political endeavour rather than any real public interest being involved in this case.

5. The writ petition accordingly stands dismissed, leaving the parties to bear their own costs. Consequently, WMP.No.11325 of 2016 is also dismissed.

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-s/d-
Assistant Registrar

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Sub-Assistant Registrar

To

1.The Secretary to Government,
Ministry of Law, New Delhi.

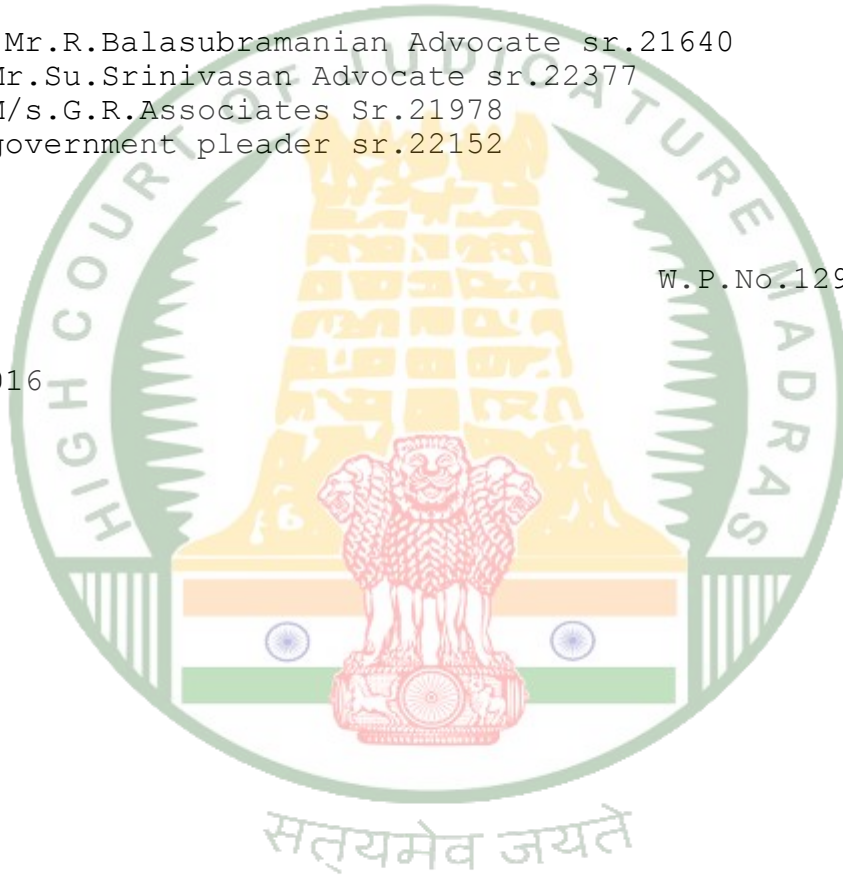
2. The Chief Election Commissioner,
represented by its Secretary, New Delhi 1.

3.The Chief Electoral Officer,
Tamil Nadu, Chennai 600 009.

+2 ccs to Mr.R.Balasubramanian Advocate sr.21640
+1 cc to Mr.Su.Srinivasan Advocate sr.22377
+1 cc to M/s.G.R.Associates Sr.21978
+1 cc to government pleader sr.22152

W.P.No.12955 of 2016

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