

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

The Hon'ble Mr.JUSTICE M.M.SUNDRESH
and
The Hon'ble Mrs.JUSTICE S.VIMALA

W.P.No.14986 of 2016

and

W.M.P.No.13081 of 2016

B.Ramkumar Adityan ... Petitioner-in- Person

-vs-

- 1.The Secretary,
Department of Legal Affairs,
Ministry of Law & Justice,
4th Floor, 'A' Wing,
Shastri Bhavan,
New Delhi.
- 2.The Chief Election Commissioner,
O/o. Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi-110 001.
- 3.The Chief Electoral Officer,
Office of the Chief Electoral Officer,
Tamilnadu Secretariat,
St. George Fort,
Chennai-600 009.
- 4.The Chief Electoral Officer,
Office of the Chief Electoral Officer,
Villianur Main Road, Reddiarpalayam,
Puducherry-605 010. ... Respondents

Petition under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the second respondent not to receive nomination paper from Member of Lok Sabha and Rajya Sabha and those who have resigned from Parliamentary Membership before expiry of actual term to contest any of the State Legislative Elections within stipulated time.

For Petitioner : Mr.B.Ramkumar Adityan
Party-in-person

For Respondents : Mr.Niranjan Rajagopal
for M/s.G.R.Associates for R1 to R4
* * * * *

O R D E R

(Order of the Court was made by M.M.Sundresh, J.)

The petitioner has come forward to file this writ petition after the election notification come into force. The grievance of the petitioner is that in the event the sitting members of the Lok Sabha and Rajya Sabha being allowed to contest in the State Legislative Elections, the public interest would suffer as such person has to vacate either one of the seats.

2. We are afraid, in the absence of any statutory prescription supporting the case of the petitioner, we cannot accept the contention raised by the petitioner as it lies squarely within the domain of the Parliament.

3. The writ petition is dismissed. No costs.
Consequently, WMP.No.13081 of 2016 is closed.
bbr

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

- 1.The Secretary,
Department of Legal Affairs,
Ministry of Law & Justice,
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Puducherry-605 010.

+ 1 cc to Mr.B.Ramkumar Adityan, Advocate, SR 25728

+ 1 cc to M/s.G.R.Associates, Advocate, SR 25317

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