

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.15629 of 2016
and
WMP.No.13583 of 2016

S.Marimuthu .. Petitioner-in- Person
vs

- 1.The Commissioner,
The Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
CMBT, Arumbakkam,
Chennai-106.
 - 2.The Secretary,
The Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Chennai-106.
 - 3.The Chief Secretary,
Home Department,
Secretariat,
Chennai-9.
 - 4.Financial Adviser & Chief Accounts Officer,
The Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Chennai-106.
- .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent No.2 to collect the last election expenses from the members of the Rural Local Bodies or Urban Local Bodies (including the Councilor of Chennai Corporation) and others which has the Government spent the expenses for the last election for these members before closed their current Post period with reason of eagerness of other post thirst to apply for MLA Post, and for the petitioner petition dated 13.04.2016. The above said circumstances if the Hon'ble Court issue the previous order can be avoid very huge losses of the Taxpayers' (Public) Money instead of these kind of individual persons getting own benefits.

For Petitioner .. Mr.S.Marimuthu
Petitioner-in-Person

For Respondents .. Mr.STS.Moorthy
Government Pleader assisted by
Mr.V.Shanmuga Sundar
Government Advocate

O R D E R

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

The petitioner wants that once a person is elected to a Body, he should not be permitted to contest the election to another Body, unless the expenses incurred by the Election Commission in the previous election are recovered from him. Thus for example, if a person contested the election of Panchayat Body and now wants to contest the election for the Assembly, that person should be asked to deposit the amount spent by the Election Commission proportionately on the election process of that person.

2. On being queried as to what is the bar in law, the petitioner invoked Article 21 of the Constitution of India.

3. We may note that the petitioner is a technician working in Southern Railway. We say so because obviously the petitioner has no specialised knowledge of how the process of elections are carried out nor has he made any research as to what is the position which may be prevalent in different countries, in order to assist us whether there can be a better module. The Local Body Acts being the Tamil Nadu District Municipalities Act, 1920 and the Tamil Nadu Panchayat Act, 1994, do not provide for any provisions.

4. We do not appreciate the fact that the petitioner has approached this Court in public interest litigation without any ground work, just on his whims and fancies by invoking Article 21 of the Constitution of India. This, then becomes publicity interest litigation, especially during election period.

5. The writ petition is dismissed. Consequently,
WMP.No.13583 of 2016 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner,
The Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
CMBT, Arumbakkam,
Chennai-106.
- 2.The Secretary,
The Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
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- 3.The Chief Secretary,
Home Department,
Secretariat,
Chennai-9.
- 4.The Financial Adviser & Chief Accounts Officer,
The Tamil Nadu State Election Commission,
No.208/2, Jawaharlalr Nehru Road,
Chennai-106.

+2cc to Mr.S.Marimuthu, Advocate, S.R.No.26191
+1cc to the Government Pleader, S.R.No.26658

nr(CO)
srg(12/05/2016)

W.P.No.15629 of 2016

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