

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.05.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.17985 of 2016 &
WMP No.15667 of 2016

Elephant G.Rajendran [PETITIONER]
Vs

- 1.The Election Commission of India
rep. By its Chief Election Commissioner
Nirvachan Sadan, Ashoka Road
New Delhi 110 001.
- 2.The Chief Electoral Officer of Tamil Nadu
Fort St.George, Secretariat
Chennai 600 009. [RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the Respondents not to declare the name of the candidate who had spent the money more than the prescribed limit as elected candidate even though he come in the first, with a consequential relief to declare the next candidate who come within prescribed limit.

Petitioner-in-person : Mr.Elephant G.Rajendran

For Respondents : Mr.Niranjana Rajagopal

O R D E R

(Order of this Court is made by N.KIRUBAKARAN, J.)

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner has approached this Court, seeking for issuance of a writ of mandamus to direct the respondents not to declare the name of the candidate who had spent the money more than the prescribed limit as elected candidate even though he come in the first, and also for declaring the next candidate who come within prescribed limit.

3.We have heard Mr.Elephant G.Rajendran, petitioner appearing in person and Mr.Niranjana Rajagopal, learned counsel appearing for the respondents.

4.Mr.Elephant G.Rajendran/writ petitioner would submit that the Election Commission is bound to take note of the expenses made by the candidates and if the candidates exceed the limit, their results should not be declared.

5.Once the election process is put in motion, the said process cannot be halted. If there is any illegality committed even by the elected candidate or candidates, by exceeding the monetary limits fixed by the Election Commission, it is always open to the petitioner to make a representation in this regard and file a proof before the Tribunal which deals with the Election Petition, by filing appropriate Election Proceedings. This is the only course open to the petitioner and he is at liberty to challenge the election of a particular candidate on whose name he makes allegations. This is the only possible remedy available to the petitioner, as per the law laid down by the Hon'ble Supreme Court in the case of M.S.GILL AND OTHERS v. THE CHIEF ELECTION COMMISSIONER, NEW DELHI & OTHERS, [AIR 1978 (SC) 851].

6.In view of the same, the prayer sought for by the petitioner cannot be granted. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(VO)

//True Copy//

Sub Assistant Registrar

To

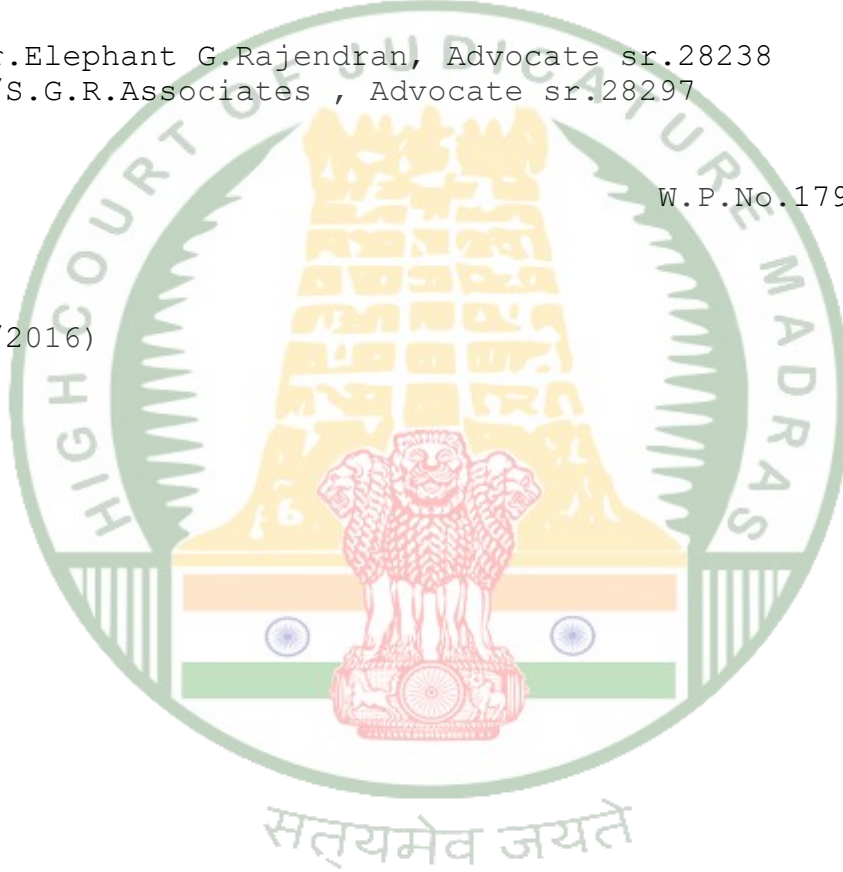
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+1cc to Mr.Elephant G.Rajendran, Advocate sr.28238
+1cc to M/S.G.R.Associates , Advocate sr.28297

W.P.No.17985 of 2016

gj II(CO)
srg(13/05/2016)



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