

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.02.2016

Coram:

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

W.P.No.4621 of 2016

S.Murali Mohan

.. Petitioner

Versus

1.The Election Commission of India,  
represented by the Chief Election Commissioner  
Nirvachan Sadan, Ashoka Road,  
New Delhi 110 001.

2.The Secretary,  
Tamilnadu State Election Commission,  
Koyambedu, Arumbakkam,  
Chennai 600 106.

3.The Chief Electoral Officer,  
Public Election Department,  
Fort St.George,  
Secretariat, Chennai 600 009.

4.Desiya Murpokku Dravida Kazhagam,  
represented by its President,  
No.125/7, Jawaharlal Nehru Street,  
(100 Feet Road)  
Koyambedu, Chennai 600 107.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned portion of Tamil ''Murasu'' in Column-3, Sl.No.6 of Table 1 in S.O.No.75/2014/TNSEC/ME 1 dated 23<sup>rd</sup> August, 2014, of the 2<sup>nd</sup> respondent and quash the same as highly illegal and consequently direct the respondents 1 and 2 to notify the symbol name in Tamil as ''Nagara'' which was allotted to the 4<sup>th</sup> respondent by the 1<sup>st</sup> respondent.

For Petitioner ::: Mr.K.S.Ilangovan  
for M/s.Achari and Antoni Association  
For Respondent ::: Mr.Niranjan Rajagopal  
for M/s.G.R.Associates for R.1 to R.3

O R D E R

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

This is clearly a private interest litigation sought to be styled as Public Interest Litigation and that too in the second round. In the first round, the petitioner approached the Madurai Bench vide W.P.(MD).No.3519 of 2011 seeking a direction against the Election Commission not to allot the ''Murasu'' symbol to the 4<sup>th</sup> respondent/political party. It was the case of the petitioner that the symbol was used by him for his business purposes. This plea was rejected on the ground that the allotment of symbol to the political party in the State would not in any way affect the trade or business of the petitioner and will not amount to affiliation of the petitioner with any political party.

2. The matter ought to have closed at least with that, but now the present petition has been filed, wherein a different issue is sought to be raised that what has been allotted to the 4<sup>th</sup> respondent vide his notification dated 23.08.2014, is ''Nagara''.

3. We fail to appreciate as to what is the Public Interest element raised by the petitioner who had earlier raised a similar issue qua his business interest. The political party has no objection to the allotment of the symbol.

4. We find that the petition is devoid of any merit and seeking to raise the earlier issue in another form.

5. The tendency to file Public Interest Litigations, though they have private interest or for publicity, is increasing and it is high time this Court comes down on the wastage of court's time by such litigants.

6. At this juncture, learned counsel for the petitioner states that he would like to withdraw the petition.

Writ petition stands dismissed as withdrawn. No costs. Consequently WMP.Nos.3972 and 3973 of 2016 are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Chief Election Commissioner,  
Election Commission of India,  
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New Delhi 110 001.

2.The Secretary,  
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3.The Chief Electoral Officer, Public Election Department,  
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4.The President  
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+1 cc to Government Pleader sr.8240

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