

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.04.2016

Coram:

The Honourable **Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE**

and

The Honourable Mr.Justice **M.M.SUNDRESH**

W.P.No.8635 of 2016

C.M.Syed Babu

... Petitioner

Versus

The Chief Election Commissioner,
Election Commission of Tamil Nadu
Election Department, Secretariat,
Chennai.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondent to issue necessary notification to all electoral officers to provide facilities for college hostels students to vote via the postal ballot, based on petitioner's representation dated 18.04.2016 within the time stipulated by the Court.

For Petitioner :: Mr.S.M.A.Jinnah

For Respondents :: Mr.S.T.S.Murthi
Government Pleader for R.1

ORDER

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

There seems to be no end to the ingenuity of some people to create litigation for the sake of it. The prayer made is there are some students in the hostel and they should be given the option of postal ballot! Merely because the representation is made to the Election Commission, it does not give a right to come to court under Article 226 of the Constitution of India for disposal of that representation and that too, made only on 18.04.2016.

2. The law relating to intervention by the Court in the election process is well settled and we do believe that such petitions are filed without even analysing the legal position in this behalf. All such matters are with the Election Commission and it is for the Election Commission to take a call on different issues for which representations have been made.

3. We also appreciate the predicament of the Election Commission as all and sundry seem to have new ideas to make representations to the Election

Commission and burden the Election Commission unnecessarily. The Election Commission is already involved with the task of conducting the elections – a mammoth task and it should hardly be bothered by such frivolous representations.

4. The writ petition accordingly stands dismissed, leaving the parties to bear their own costs.

(S.K.K.,CJ.) (M.M.S.,J.)

Index:yes/no
ksr

29.04.2016

To
The Chief Election Commissioner,
Election Commission of Tamil Nadu
Election Department, Secretariat,

The Hon'ble The Chief Justice
and
M.M.Sundresh, J

ksr

W.P.(MD)No.8635 of 2016

29.04.2016