

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.05.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

AND

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.9396 of 2016 &
W.M.P.Nos.7454 and 7455 of 2016

S. Vel Petitioner

Vs

1. The Chief Election Commissioner of India,
Election Commission of India
Nirvachan Sadan, Ashoka Road
New Delhi.
2. The Election Commissioner
Election Commission of Tamil Nadu
Mosque Street, Vadapalani
Chennai - 600 026.
3. The District Election Commissioner
District Collector, Madurai. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 herein to consider the petitioner representation on 17.05.2016 and consequently direct the respondents to conduct re election for Petitioner Madurai Central Constituency and pass further orders.

For Petitioner : Mr. Kathirvel

For Respondents : Mr. G.Rajagoplan
Additional Solicitor General of India
Asst. by Mr.Niranjan Rajagopal
for G.A.Associates for R1 to R3

ORDER

(The order was made by K.KALYANASUNDARAM. J.,
and
D.KRISHNAKUMAR. J.,)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3, to consider the petitioner's representation dated 17.05.2016 and to direct the respondents to conduct re-election for the Madurai Central Constituency.

2. The petitioner would claim that he is an independent candidate of Madurai Central Constituency and he belongs to Vannar caste. He filed his nomination properly on 29.04.2016 and at the time of filing the nomination he gave a proper residential identity proof and voters' Identity card also. He was issued an Identity card and a symbol of 'Iron Box' was allotted to him.

3. The grievance of the petitioner is that instead of his photo and the symbol, some other person's photo was affixed, which caused confusion to the voters, at the time of exercising their right of voting. So, he sent a representation dated 17.05.2016 to the respondents seeking re-election and since it was not considered, the present writ petition has been filed.

4. Heard Mr. T. Kathirvel, learned counsel for the petitioner and Mr. T.R. Rajagopalan, learned counsel for the respondents and perused the materials.

5. Mr. T.R. Rajagopalan, learned counsel for the respondents would submit that the counting for the Madurai Central Constituency was already over and that the election results were declared on 19.05.2016 and hence the writ petition has become infructuous. It is further submitted that if the petitioner has any grievance, he has to file an Election Petition. Hence, the relief prayed in the present writ petition cannot be entertained by this Court.

6. In view of the above undisputed facts, the writ petition is dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Vacation Officer.

/true copy/

Sub Asst. Registrar.

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To

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