



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.20704 of 2016

and

W.M.P. (MD).Nos.14795 and 14796 of 2016

Tamil Nadu Centre for Public Interest Litigation,
rep. by K.K.Ramesh, Managing Trustee,
No.26-A Old Mahalipatti Road,
Madurai - 625 001.

..Petitioner

Vs.

- 1.The Government of India,
rep. by its Home Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.
- 2.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi - 110 001.
- 3.The Chief Election Officer (CEO),
Tamil Nadu, Fort St. George,
Secretariat,
Chennai - 600 009.

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the press notification issued by the 2nd respondent in the press Notification Nos.ECI/PN/58/2016 and ECI/PN/59/2016 dated 17.10.2016 quash the same and direct the respondents 2 and 3 to conduct the Bye-Elections of Thiruparankundram and General Elections Thanjavur and Aravankurchi and conduct along with Tamil Nadu Local body elections simultaneously then only public money will be saved and cash for vote will be curtailed and the Election Commission will monitor the politicians without any difficulty.

For Petitioner : Mr.K.K.Ramesh,
party-in-person

For 3rd respondent : Mr.M.Govindan,
Special Government Pleader

O R D E R

[Order of the Court was made by S.NAGAMUTHU, J.]

The petitioner has come up with this Writ Petition for the following prayer:

"This Court may be pleased to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction in the nature of Writ, calling for the records pertaining to the press notification issued by the 2nd respondent in the press Notification Nos.ECI/PN/58/2016 and ECI/PN/59/2016 dated 17.10.2016, quash the same and direct the respondents 2 and 3 to conduct the Bye-Elections of Thiruparankundram and General Elections Thanjavur and Aravankurchi and conduct along with Tamil Nadu Local body elections simultaneously then only public money will be saved and cash for vote will be curtailed and the Election Commission will monitor the politicians without any difficulty."

2.When this Writ Petition came up for hearing today, this Court pointed out to the petitioner that there is no schedule as of now to conduct local body election in the State as the earlier notification issued was quashed by the Court. We have also pointed out that after the election have been announced by means of a notification by the Assembly, it is not feasible to interfere with the election process. When we further expressed the view that this litigation is only a publicity litigation and not a public interest litigation, and that this petition deserves to be dismissed with heavy costs, the petitioner offered to withdraw the petition and he has also filed an affidavit, wherein he has stated as follows;

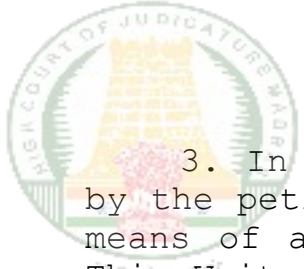
"1.I submit that, I am the petitioner in the above said public interest litigation case in W.P. (MD).No.20704 of 2016. I give assurance that I will not file this type of Writ Petitions in future.

2.I submit that if I file this type of Writ Petition in future I will abide if any action is taken against me in future.

3.I further submit that I seek unconditional apology from this Hon'ble Court and I will not waste the time of this Honourable Court by filing such petitions.

Therefore, I prayed that this Hon'ble Court may be pleased to forgive me and permit to withdraw the Writ Petition in W.P. (MD).No.20704 of 2016 and accept the affidavit and thus render justice."

Thus, the petitioner pleaded not to impose any cost on him.



3. In view of the above, accepting the said undertaking given by the petitioner and the unconditional apology tendered by him by means of affidavit, we allow him to withdraw this Writ Petition. This Writ Petition is, accordingly, dismissed as withdrawn without costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

- 1.The Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
- 2.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.
- 3.The Chief Election Officer (CEO),
Tamil Nadu, Fort St. George,
Secretariat, Chennai - 600 009.

+1cc to M/s.K.K.Ramesh, Advocate in SR.64064
+1cc to the Special Government Pleader, in SR.64776

W.P.[MD].No.20704 of 2016
26.10.2016

gcg
PBK/MPA 09/11/2016 ::3P-6C: