

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

Writ Petition No.7505 of 2009

ORDER: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The relief sought for in this writ petition is to declare the action of respondents 1 to 3, in ordering seizure of currency notes from members of public on mere suspicion that cash would be distributed for purchasing votes on the eve of the Assembly and Parliamentary Elections scheduled to be held on 16th and 23rd April, 2009, as being illegal and unconstitutional.

The Election Commission of India is conferred the power of superintendence and control of elections under Article 324 of the Constitution of India. The efforts made by respondents 1 to 3 to seize cash, which they suspect are being used to purchase votes on the eve of the Assembly and Parliamentary Elections, is laudable. While the petitioner claims that the seized currency notes belong to the public and not to political parties, these are all matters which the Election Commission of India is required to enquire into.

The Writ Petition as filed is wholly misconceived and is, accordingly, dismissed with exemplary costs of Rs.25,000/- (Rupees Twenty Five Thousand Only) which the petitioner shall pay to the Election Commission of India within four weeks from today, failing which it is open to the Election Commission of India to recover the said amount from the petitioner in accordance with law. Miscellaneous petitions pending, if any, shall also stand dismissed.

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

16th November 2016
JSU

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Date: 16.11.2016

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