

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.8423 of 2017

and W.M.P.Nos.9220 and 9221 of 2017

J.Jayanthi

.. Petitioner

-vs-

1.The Returning Officer,  
cum Additional District Election  
Officer, and Regional Deputy  
Commissioner (North),  
No.11, Doctor Radhakrishnan Nagar  
Constituency, Chennai 600 021.

2.The Chief Election Commissioner of  
India, Nirvachan Sadhan,  
Ashoka Road, New Delhi 110 001.

3.The Chief Electoral Officer,  
Tamilnadu.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records in the proceedings R.C.No..1/0972/2017 dated 24.03.2017 passed by the 1<sup>st</sup> respondent and to quash the same and further to direct the respondents to permit the petitioner to contest in the election for No.11, Doctor Radhakrishnan Nagar Constituency.

For Petitioner : Mr.S.Hemanand  
For Respondents : Mr.R.Vijayakumar  
Addl.G.P. for RR-1 and 3  
: Mr.Niranjan Rajagopalan  
for G.R.Associates for R-2

O R D E R

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

The writ petition has become infructuous, in view of the order bearing No.100/TN-LA/1/2017 dated 09.04.2017 passed by the Election Commission of India, the operative part whereof is extracted hereinbelow for convenience:

'26. Accordingly, the Commission hereby directs, under Article 324 of the Constitution read with sections 150, 30 and 56 of the Representation of the People Act, 1951, and further read with Section 21 of the General Clauses Act, 1897 and all other powers enabling it in this behalf, that the Commission's Notification 100/Tn-LA/1/2017, dated 16<sup>th</sup> March, 2017, calling upon the said 11-Dr. Radhakrishnan Nagar Assembly Constituency to elect a member to the Tamil Nadu Legislative Assembly shall stand rescinded forthwith. Consequently, all actions and steps taken by the Returning Officer of the said 11-Dr. Radhakrishnan Nagar Assembly Constituency, District Election Officer, Chennai District and all other electoral authorities concerned are hereby declared as null and void.

27. The bye-election to fill the above vacancy in the Tamil Nadu Legislative Assembly from 11-Dr. Radhakrishnan Nagar Assembly Constituency shall be held by the Commission in due course when the vitiating effect created by the distribution of money and gift items to allure the electors, as mentioned above, gets removed with the passage of time and the atmosphere in the constituency becomes conducive to the holding of free and fair election.'

2. The writ petition is, accordingly, dismissed as withdrawn, with liberty to the petitioner to file a fresh writ petition, if so advised. There shall be no order as to costs. Consequently, W.M.P.Nos.9220 and 9221 of 2017 stand dismissed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

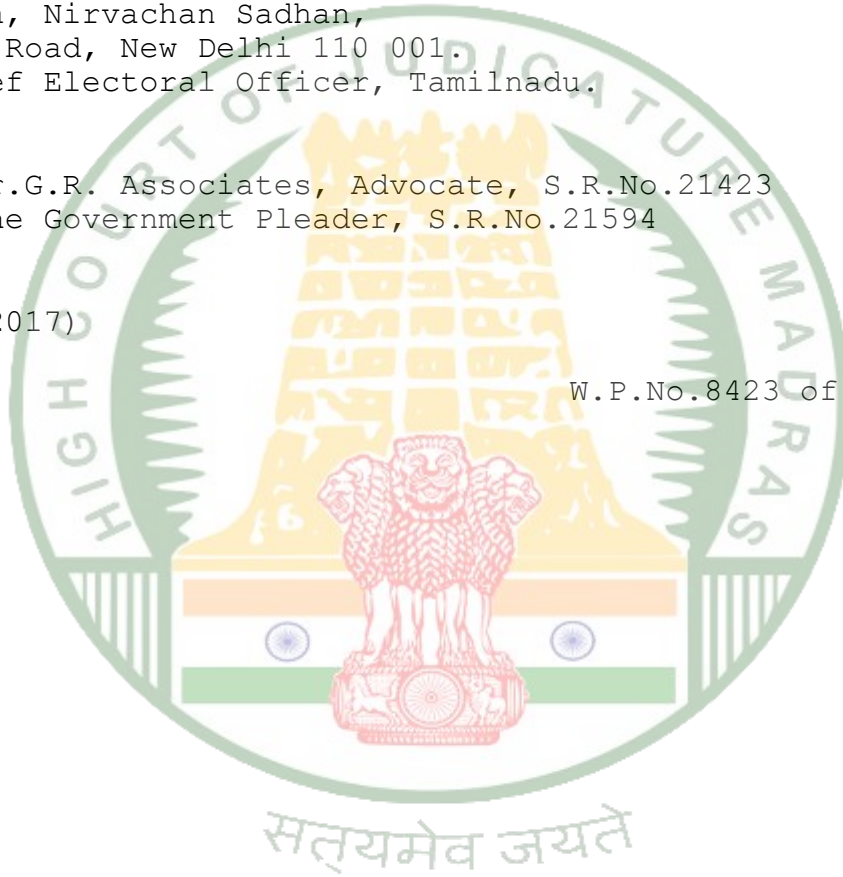
sra  
To

- 1.The Returning Officer cum  
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Commissioner (North),  
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- 2.The Chief Election Commissioner of  
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- 3.The Chief Electoral Officer, Tamilnadu.

+lcc to Mr.G.R. Associates, Advocate, S.R.No.21423  
+lcc to the Government Pleader, S.R.No.21594

VGI(CO)  
md(21/04/2017)

W.P.No.8423 of 2017



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