

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.7636 of 2017
and W.M.P.No.8340 of 2017

Traffic Dr.K.R.Ramaswamy ... Petitioner

-vs-

State Rep. By

1.The Secretary /
The Governor of Tamilnadu,
Rajbhavan, Sardar Patel Raod,
Rajbhavan, Chennai-22.

2.The Secretary,
President of India,
Rashtrapathy Bhavan,
New Delhi 110 001.

3.The Chief Election Commissioner,
Govt. of India, Nirvachan Sadhan,
New Delhi.

4.The Chief Electoral Officer,
Govt. of Tamilnadu,
Chennai 600 009.

5.The Home Secretary,
Dept. of Home, Tamilnadu,
Secretariat, Chennai 600 009.

6.The Director General of Police,
Govt. of Tamil Nadu,
Dr.Radhakrishnan Salai,
Chennai 600 004.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 and 2, to, who are the Competent Authority, consider the representation dated 23.3.2017 as urgent to save the real Democracy in Tamilnadu to see a non corrupt Government in Public Interest as Schedule 3 & Section 5 of Constitution of India violated even before assuming and taking oath by General Secretary.

For Petitioner : Mr.Aravindan
for Mr.Traffic Dr.R.K.Ramaswamy
Petitioner in Person

For Respondents : Mr.R.Vijayakumar
Addl.G.P. for RR 1, 4, 5 & 6
: M.Su.Srinivasan,
Asst. Solicitor General for R-2
: Mr.Niranjan Rajagopalan
for G.R.Associates, for R-3

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 16th 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11-Dr.Radhakrishnan Nagar Assembly Constituency to elect a member to the Tamil Nadu Legislative Assembly shall stand rescinded forthwith.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.No.8340 of 2017 also stands dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The Secretary /
The Governor of Tamilnadu,
Rajbhavan, Sardar Patel Raod,
Rajbhavan, Chennai-22.

2.The Secretary,
President of India,
Rashtrapathy Bhavan,
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3.The Chief Election Commissioner,
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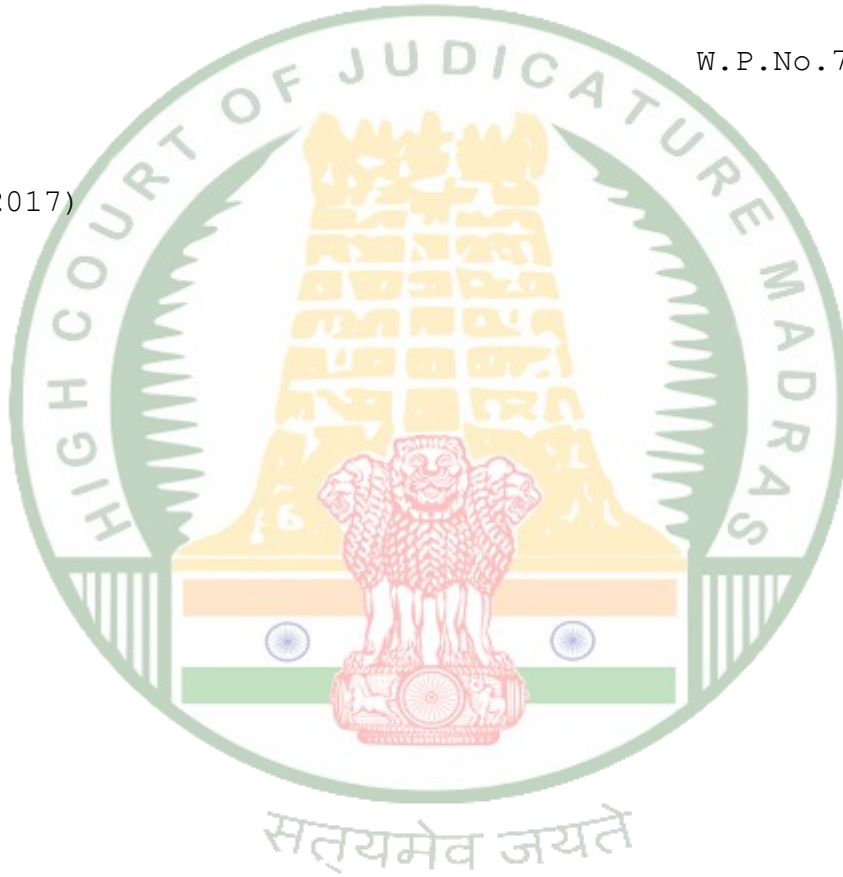
5.The Home Secretary,
Dept. of Home, Tamilnadu,
Secretariat, Chennai 600 009.

6.The Director General of Police,
Govt. of Tamil Nadu,
Dr.Radhakrishnan Salai,
Chennai 600 004.

+1cc to Mr.Srinivasan, Assistant Solicitor General, S.R.No.21787
+2cc to Mr.Traffic Ramasamy, Advocate, S.R.No.21405
+1cc to Mr.G.R.Associates, Advocate, S.R.No.21424
+1cc to the Government Pleader, S.R.No.21595

W.P.No.7636 of 2017

SS (CO)
RS (21/04/2017)



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