

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.3.2017

CORAM

THE HONOURABLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.6933 of 2017

and

W.M.P.No.7522 of 2017

P.A.Joseph

...Petitioner

Versus

1 The Union of India
rep. by its Secretary
Department of Law and Justice
26 Mansingh Road Jaisalmer House
New Delhi - 110 011.

2 The Election Commission of India
Rep. by Chief Election Commissioner
Asoka Road New Delhi -110 001.

....Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration declaring sections 8(1) (c) and 8 (1) (e) respectively of The representation of peoples Act 1951 as illegal and unconstitutional in so far as restricting the disqualification only to an extent of criminal conviction alone de hors the statutory punishments/penalty levied based on a finding imposed by the competent Adjudicating Authority exercising their Quasi - Judicial Power under the Special Acts namely The Customs Act 1962 and The Foreign Exchange Regulation Act 1973 respectively, on the very same offence.

For petitioner : Mr.K.M.Vijayan for
Mr.E.Vijay Anand

ORDER

(Order of the court was made by HULUVADI G.RAMESH, ACJ.)

Heard the learned counsel appearing for the petitioner for some time.

2. The writ petition has been filed seeking issuance of a writ of declaration declaring sections 8(1) (c) and 8 (1) (e) respectively of The representation of peoples Act 1951 as illegal and unconstitutional in so far as restricting the disqualification only to an extent of criminal conviction alone de hors the statutory punishments/penalty levied based on a finding imposed by the competent Adjudicating Authority exercising their Quasi - Judicial Power under the Special Acts namely The Customs Act 1962 and The Foreign Exchange Regulation Act 1973 respectively, on the very same offence.

3. The grievance of the writ petitioner can be redressed only in furtherance of a policy decision and not by judicial interpretation. In such circumstances, we dispose of the writ petition, directing the petitioner to approach the authorities, who are policy makers, in this regard for needful action. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To:

1 The Secretary,
Union of India
Department of Law and Justice
26 Mansingh Road Jaisalmer House
New Delhi - 110 011.

2 The Chief Election Commissioner
The Election Commission of India
Asoka Road New Delhi -110 001.

+1cc to Mr.Vijay anand, Advocate, S.R.No.17771

+1cc to Mr.Srinivasan, Advocate, S.R.No.17848

W.P.No.6933 of 2017

SCD(CO)
RS(13/04/2017)