

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 03.07.2017  
CORAM  
THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.16181 of 2017

Traffic Dr.K.R.Ramaswamy

.. Petitioner

Vs.

- 1 The Secretary  
Office of the President of India  
Rashtrapati Bhawan, President's Estate  
New Delhi, Delhi - 110 004.
- 2 The Secretary  
His Excellency, the Governor of Tamilnadu  
Raj Bhavan, Chennai - 600 022.
- 3 The Chief Secretary  
Government of Tamilnaldu  
Fort St. George, Chennai - 600 009.
- 4 The Home Secretary  
Government of Tamilnaldu  
Fort St. George, Chennai - 600 009.
- 5 The Speaker  
Tamilnadu Legislative Assembly  
Fort St. George, Chennai - 600 009.
- 6 The Inspector of Police  
B3 Police Station  
Kottai/Fort St. George  
Chennai.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 and 2 to urgently consider the representation sent by the petitioner on 14.6.2017 and take necessary action about the corruption charges against the Honourable Chief Minister Mr.Edapadi Palaniswamy and his group, by Saravanan MLA and suspend the Tamilnadu Assembly for the activities of Chief Minister and Speaker of Tamilnadu Assembly.

For Petitioner : Mr.K.R.Ramasamy  
Party-in-Person

For Respondents : Mr.M.K.Subramanian  
Government Pleader  
for respondents 3 to 6

#### ORDER

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

This writ petition, by way of public interest litigation, has been filed by the petitioner seeking consideration of a representation sent by him on 14.6.2017; for necessary action relating to corruption charges levelled against the Chief Minister and his group by Saravanan, a Member of the Legislative Assembly; and for suspension of the Tamil Nadu Assembly.

2. In the writ petition, it is alleged that around 122 Members of the Legislative Assembly, including Ministers, put up an illuminated photograph of the former Chief Minister, since deceased, who had been convicted in proceedings inter alia under the Prevention of Corruption Act, 1988. The petitioner has not adverted to any provision of law which prevents a Member of the Legislative Assembly from putting up an illuminated photograph of a leader.

3. It is not for this Court to decide the propriety or otherwise of putting up illuminated photographs of persons convicted by a Court of law. The Court is only to see whether there is any illegality and, as observed above, the petitioner has not been able to advert to violation of any provision of law in putting up an illuminated photograph of the Former Chief Minister.

4. The allegations with regard to exchange of money are apparently based only on media reports, the authenticity whereof is not yet established. The allegations are also vague and devoid of material particulars. There is reference to the present Chief Minister and his group without mentioning the persons who comprise the so-called group. It is alleged that the Chief Minister and his group promised to give Rs.2 Crores to each M.L.A. for supporting the Government when they got on the bus on 18.02.2017 to go to the Assembly for the 'Confidence Motion' in favour of the Chief Minister to prove majority support and later this was increased to Rs.4 Crores. However, the source of information is not disclosed. The petitioner is

not an M.L.A. and he was obviously not in the bus.

5. It is further alleged that Bills have been passed in the Assembly without any debate. However, it is not disputed that the Bills were passed by the majority of the Members present and voting.

6. The alleged corruption charges against the Chief Minister also appear to be devoid of material particulars. This Court cannot intervene on the basis of unsubstantiated allegations, when the source thereof is also not clear.

7. Incidentally, in the representation made on 18.2.2017 to the President of India; the Governor of Tamil Nadu; the Election Commissioner and others, the petitioner has demanded as under:

"I hereby request the Hon'ble Governor of Tamil Nadu on popular public demand to immediately cancel the floor test conducted on 18.02.2017 in the Tamil Nadu State Legislative Assembly considering the ugly sequence of events and the manner in which the 124-odd MLAs were held captive in a resort and escorted to the State Assembly and thereafter fix a date for a secret ballot to be conducted in all fairness with the entire ruling & opposition members to be present in the House and also warn the Assembly Speaker to act in all fairness lest it will be done in presence of the Chief Justice of Tamil Nadu or a retired Judge in India. Also the Director General of Police need to register criminal cases against all those involved in this terror attack on democracy after seizing all evidences including video & CCTV tapes and thus render justice for true democracy."

The demand/request is totally contrary to the constitutional provisions. It is not for the Chief Justice or for that matter any Judge to preside over Assembly proceedings. The prayer is totally repugnant to the scheme of the Constitution and, in particular, separation of powers envisaged under the Constitution. The allegations are vague and devoid of any particulars.

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The writ petition is, therefore, dismissed. No costs.  
Consequently, W.M.P.No.17478 of 2017 is closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

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+2 ccs to M/s.K.R.Ramasamy party in person sr 46185

+1 cc to the Government Pleader sr 46221 dt 17/07/2017

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