

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.27709 of 2017
and W.M.P.No.29662 of 2017

Dravida Munnetra Kazhagam (DMK)
Rep. by its Organization Secretary,
R.S.Bharathi.

.. Petitioner

-vs-

1. Election Commission of India,
Rep. by the Chief Election
Commissioner, Nirvachan Sadan,
New Delhi.

2. Chief Electoral Officer of Tamilnadu,
Public (Elections) Department,
Fort St. George, Secretariat,
Chennai 600 009.

3. District Electoral Officer cum
Commissioner of Greater Chennai
Corporation, Ripon Building,
Chennai-3.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to carry out purification of voters lists of the No.11, Dr.Radhakrishnan Nagar Assembly Constituency on the basis of which the by-election is to be conducted by deleting "Double Entries", "Absent", "Multiple Entries", "Shifted", "Multiple voters with same voter identification numbers", "Dead" voters, etc., in respect of No.11, Dr.Radhakrishnan Nagar Assembly Constituency, by constituting a special team under the 1st respondent before conducting the by-election to the said Assembly Constituency.

For Petitioner	:	Mr.P.Wilson, Sr. Counsel for Mr.R.Neelakandan
For Respondents	:	Mr.Niranjan Rajagopalan Stng. Counsel for RR 1 to 3

O R D E R

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

This writ petition has been filed by a political party, namely, Dravida Munnetra Kazhagam, hereinafter referred to as 'DMK', through its Organization Secretary, praying for a Writ of Mandamus directing the respondents "to carry out purification of voters list of No.11, Dr.Radhakrishnan Nagar Assembly Constituency" on the basis of which the by-election is to be conducted by deleting "double entries, absent, multiple entries, shifted, multiple voters with the same identification numbers, dead voters, etc.". It appears that the seat of No.11, Dr.Radhakrishnan Nagar Assembly Constituency fell vacant on 05.12.2016 upon the death of the former Chief Minister of Tamil Nadu, Dr.J.Jayalalitha. By-election is required to be conducted to fill up the said vacancy caused by the death of Dr.J.Jayalalitha.

2.On 03.10.2017, a draft electoral roll was published. The petitioner herein objected to the draft electoral roll pointing out that there were about 45000 bogus or ineligible voters. It appears that there were representations from the petitioner even before the draft electoral roll was actually published. It appears that by a letter dated 23.10.2017, the Chief Electoral Officer and Principal Secretary to the Government, informed the Principal Secretary to the Election Commission of India, that the petitioner-Party had, by a representation dated 23.10.2017, complained that about 44,999 voters were dead and/or otherwise ineligible.

3.The District Election Officer, had, after conducting field verification of the list received from the petitioner-Party, submitted the following report:

Sl.No	Details	Nos.
1	Total names in the ASD list submitted by the DMK Party	44,999
2.	Names without Sl.No., Part No., or EPIC Number	3,754
3.	Entry made in the Database	41,245
	(i) As per BLO verification names to be deleted	17,510
	(ii) As per BLO verification names to be retained	23,735

4. Thereafter, the petitioner-Party again represented, after which it was proposed to conduct 100% door-to-door verification at No.11, Dr.Radhakrishnan Nagar Assembly Constituency. By a letter dated 21.11.2017, that is to-day, the District Election Officer and Commissioner, Greater Chennai Corporation, has informed the Chief Electoral Officer and Principal Secretary to the Government, Public (Elections-I) Department, that verification of the list of bogus/ineligible voters submitted by the DMK Party had been completed and a total of 45,819 names had been deleted. This had been done after 100% field verification by 256 Booth Level Officers, further super-checked by 25 Supervisors and cursory verification by the Assistant Electoral Registration Officer of No.11, Dr.Radhakrishnan Nagar Assembly Constituency. As per the aforesaid communication from the District Election Officer and Commissioner, Greater Chennai Corporation to the Chief Electoral Officer and Principal Secretary to the Government, Public (Elections-I) Department, the large scale deletion occurred due to the frequent migration of urban public and also death of electors. The break-up as given in the said letter is as follows:

Shifted	-	38,319
Dead	-	3,818
Double Entry	-	3,682

Total	-	45,819

5. Action has, apparently, been taken on the complaint of the petitioner-Party as against 44,999 voters in the draft electoral list that had been objected to and 45819 voters names have been deleted, as the complaint made by the petitioner-Party was found to be substantially correct.

6. Mr. Niranjan Rajagopalan, learned Standing Counsel appearing on behalf of the respondents, submits that the deletions shall be put up in the website by tomorrow (22.11.2017).

7. No further order need be passed on the writ petition, which is disposed of as infructuous. No costs. Consequently, W.M.P.No.29662 of 2017 is closed.

8.It is expected that the Election Commission will announce the election dates at the earliest and conduct the elections preferably within 31.12.2017, as directed by this Bench by its order dated 18.09.2017 in W.P.No.24083 of 2017 (K.K.Ramesh vs. Government of India and Ors.)

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, New Delhi.
2. The Chief Electoral Officer of Tamilnadu,
Public (Elections) Department,
Fort St. George, Secretariat,
Chennai 600 009.
3. The District Electoral Officer cum
Commissioner of Greater Chennai
Corporation, Ripon Building,
Chennai-3.

+lcc to Ms.G.R.Associates, Advocate, S.R.No.82694

+lcc to Mr.P.Wilson Associates, Advocate, S.R.No.82986

W.P.No.27709 of 2017

MP(CO)
CS/07/12/17

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