



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.5380 of 2017

T.Analagan

.. Petitioner

Vs.

1. The Speaker,
Tamil Nadu Legislative Assembly,
Fort St. George,
Chennai-9.
2. The Assembly Secretary,
Tamil Nadu Legislative Assembly,
Fort St. George,
Chennai-9.
3. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan,
Ashokan Road,
New Delhi-110 001.
4. K.Palanisami, M.L.A.,
Edappadi Legislative Constituency,
M.L.A. Office,
Edappadi,
Salem District.
5. K.A.Sengottaiyan M.L.A.,
Gopichettipalayam Legislative Constituency,
M.L.A. Office,
Gopichettipalayam,
Erode District.
6. Sellur K.Raju M.L.A.,
Madurai West Legislative Constituency,
M.L.A. Office,
Madurai Town,
Madurai District.



7. C.Srinivasan M.L.A.,
Dindigul Legislative Constitutency,
M.L.A. Office,
Dindigul,
Dindigul District.

8. R.Kamaraj M.L.A.,
Nannilam Legislative Constitutency,
M.L.A. Office,
Nannilam,
Thiruvarur District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents no.1 and 2 to forward the petitioner's representations dated 13.03.2017 and 16.03.2017 to the Hon'ble Governor of Tamil Nadu for conducting inquiry to disqualify the respondents no.4 to 8 from the post of M.L.A for their breach of oath and secrecy as stipulated under Article 188 read with schedule III of the Constitution of India, within a stipulated period as fixed by this Court.

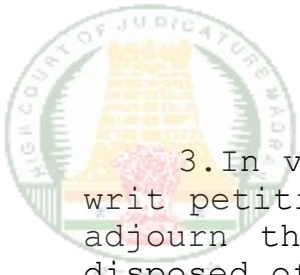
For Petitioner	: Mr.S.M.Anantha Murugan
For Respondents 4 to 8	: Mr.K.Chellapandian, Senior Counsel for Mr.K.C.Pannerselvam
For Respondent No.2	: Mr.S.Senthil
For Respondent No.1	: No Appearance
For Respondent No.3	: Mr.K.K.Senthil

ORDER

(Order of the Court was made by G.R.SWAMINATHAN, J)

The petitioner filed this writ petition in public interest. His case is that, the respondents 4 to 8 herein have taken oath of secrecy as stipulated under Article 188 read with Schedule 3 of the Constitution of India. But, they have not acted true to their oath. In support of his contention that there has been breach of oath of secrecy. The writ petitioner would place reliance on the statement made by the one Mr.Gowri Sankar in the Media. The said Gowri Sankar is a spokes person of the ruling party. The writ petitioner further pointed out that the statement made by the said spokes persons was not controverted by the private respondents herein.

2.In response to the notice issued by this Court, the counter affidavit has been filed, it is specifically affirmed on oath that the statement made by the said Gowri Sankar are not correct and that the same are denied as utter falsehood.



3. In view of the denial of the private respondents on oath, the writ petition, cannot have any real grievances. There is no need to adjourn the matter in further. This writ petition is accordingly disposed of. No Costs.

WEB COPY

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Speaker,
Tamil Nadu Legislative Assembly,
Fort St. George,
Chennai-9.
2. The Assembly Secretary,
Tamil Nadu Legislative Assembly,
Fort St. George,
Chennai-9.
3. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan,
Ashokan Road,
New Delhi-110 001.

+ 1 CC TO Mr.K.K.SENTHIL, ADVOCATE IN SR No. 78440
+ 2 CC TO Mr.S.M.ANANTHAMURUGAN, ADVOCATE IN SR No. 78705

MRN/GSP

TE/SV-MMS/SAR-II : 20/11/2017 : 3P/7C

Order made in
W.P. (MD) No. 5380 of 2017
13.09.2017