

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.8.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Writ Petition No.9294 of 2017

Traffic Dr.K.R.Ramaswamy .. Petitioner in
Person

Vs.

1. The Secretary
The Governor of Tamil Nadu
Raj Bhavan, Sardar Patel Road
Raj Bhavan
Chennai.
2. The Secretary
President of India
Rashtrapathy Bhavan
New Delhi 110 001.
3. The Chief Election Commissioner
Government of India
Nirvachan Sadhan
New Delhi.
4. The Chief Electoral Officer
Government of Tamil Nadu
Chennai 600 009.
5. The Home Secretary
Department of Home, Tamil Nadu
Secretariat
Chennai 600 009.
6. The Commissioner of Police
Greater Chennai City
E.V.K. Sampath Salai
Chennai 600 007.
7. The Inspector of Police
E-4, Abiramapuram Police Station
Chennai.

.. Respondents

Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondent to consider the petitioner's representations dated 23.3.2017, 09.4.2017 and 10.4.2017 and the first respondent to recommend the second respondent to enforce the Article 356 in Tamil Nadu State as per report received from the Income Tax Department on 09.4.2017 by the Election Commission of India regarding Chief Minister and other Minister of Tamil Nadu were involved to money distribution for getting vote letter and spirit.

For Petitioner : No appearance
(Party in Person)

For Respondents 4 to 7 : Mr.E.Manoharan
Addl. Govt. Pleader

O R D E R
(Made by Huluvadi G.Ramesh, J)

The petitioner has come up with the above writ petition seeking directing the respondent to consider the petitioner's representations dated 23.3.2017, 09.4.2017 and 10.4.2017 for enforcing Article 356 in Tamil Nadu State as per report received from the Income Tax Department on 09.4.2017 by the Election Commission of India.

2. There is no representation by the petitioner-in-person. Heard Mr.E.Manoharan, learned Additional Government Pleader appearing for the respondents 4 to 7.

3. The petitioner is the Founder and Chairman of Tamil Nadu Social Workers Organisation and rendering free service to the citizens for protecting their rights. According to him, in respect of R K Nagar by-election, crores of money have been distributed by the ruling party to the public in order to get votes. Even the Income Tax Department sent a report to the Election Commission of India on 08.4.2017 regarding the money distributed to the public as bribe for vote. Therefore, he sent a representation to the respondents on 10.4.2017 to enforce Article 356 of the Constitution of India. As no action was taken on the said representation as well as his earlier representations, the petitioner has come up with the above writ petition.

4. Article 356 of the Constitution confers power upon the President to be exercised only if he is satisfied that a situation has arisen where the Government of a State cannot be carried on in accordance with the provisions of the Constitution.

5. Though the petitioner has made several allegations regarding the money distribution to the public as bribe for getting votes, he has not produced any documents to substantiate that the situation warrants imposition of emergency by invoking Article 356 of the Constitution of India.

6. We are, therefore, of the considered view that this writ petition, stated to be a public interest litigation, cannot be entertained, as there is no element of public interest, except to observe that this petition has been filed only for the sake of publicity. Accordingly, finding no merit, this writ petition is dismissed. However, there shall be no order as to costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

kpl

To

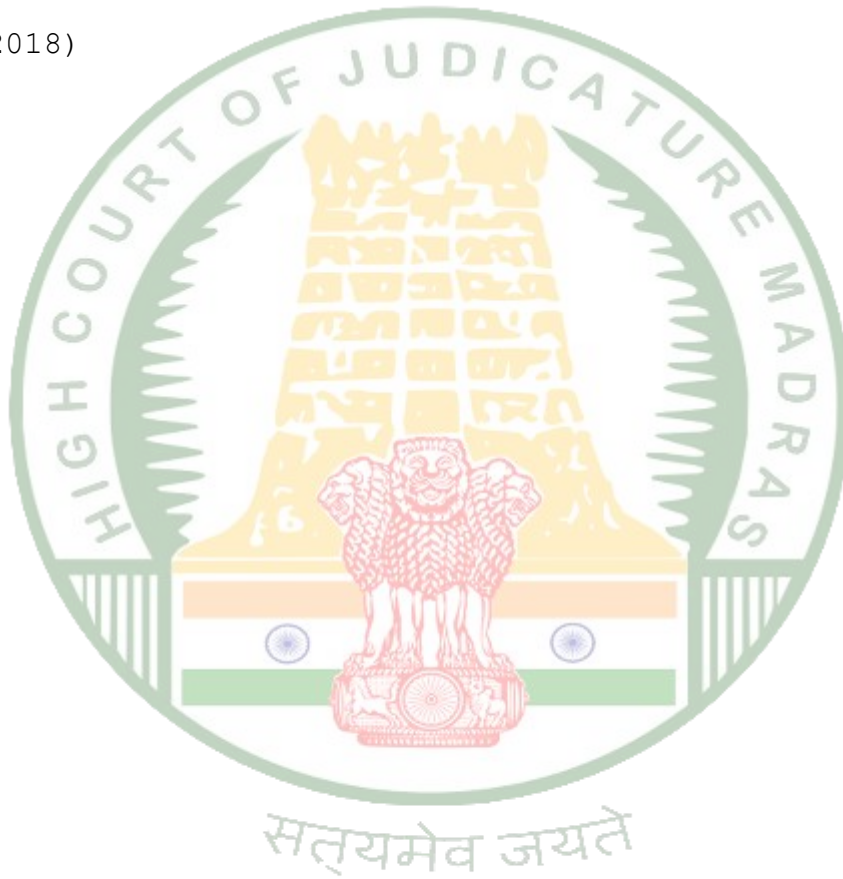
1. The Secretary
The Governor of Tamil Nadu
Raj Bhavan, Sardar Patel Road
Raj Bhavan, Chennai.
2. The Secretary
President of India
Rashtrapathy Bhavan
New Delhi 110 001.
3. The Chief Election Commissioner
Government of India
Nirvachan Sadhan, New Delhi.
4. The Chief Electoral Officer
Government of Tamil Nadu, Chennai 600 009.
5. The Home Secretary
Department of Home, Tamil Nadu
Secretariat, Chennai 600 009.
6. The Commissioner of Police
Greater Chennai City
E.V.K. Sampath Salai, Chennai 600 007.

7. The Inspector of Police
E-4, Abiramapuram Police Station
Chennai.

+1 CC to Govt. Pleader sr 57686.

W.P.No.9294 of 2017

RR(CO)
SP(17/09/2018)



WEB COPY