

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.26176 of 2017

Traffic Dr.K.R.Ramaswamy ... Petitioner

-vs-

State represented by

1.The Secretary to the Governor of Tamil Nadu,
Raj Bhavan, Chennai-600 022.

2.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Kamaraj Salai, Chennai-600 009.

3.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi-110 001.

4.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai-600 004.

5.The Chief Electoral Officer- Tamil Nadu,
Secretariat, Fort St.George,
Kamaraj Salai, Chennai-600 009.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents 1, 3 and 5 to consider the representations dated 21.09.2017 and 29.09.2017 sent by the petitioner and to take cognizance of who were involved in the illegal activities including corruption / bribery charges and direct that neither the 2-leaves party symbol or AIADMK or the party name AIADMK be used apart from the mentioned corrupt Ministers not to take part in any form in the forthcoming bye-elections at R.K.Nagar Constituency and also consider the Rule 16-A in Election Symbol Order (Reservation & Allotment 1968) which empowers the Election Commission to withdraw recognition to political party which is charges with repeated corruption charges.

For Petitioner :: Mr.K.Arvind

For Respondents:: Mr.N.Vijay Narayan,
Advocate General, assisted by
Mr.M.Sricharan Rangarajan,
Additional Government Pleader

ORDER

(Made by HULUVADI G.RAMESH, J.)

The petitioner has filed this writ petition for issuance of a Writ of Mandamus directing the respondents 1, 3 and 5 to consider the representations dated 21.09.2017 and 29.09.2017 made by the petitioner with regard to the illegal activities including corruption / bribery charges on the part of the Government officials and the ruling party members and also for a direction not to use the 2-leaves party symbol or the party name AIADMK in the forthcoming bye-elections at R.K.Nagar Constituency and also to consider Rule 16-A in Election Symbol Order (Reservation & Allotment 1968) which empowers the Election Commission to withdraw recognition to political party which is charged with repeated corruption charges.

2.Mr.Vijay Narayan, learned Advocate General, appearing for the respondents has submitted that already the election is over in the RK Nagar Constituency and hence the matter has become infructuous. He further submitted that the prayer made by the petitioner is not maintainable, as it is too wide and such a relief cannot be granted in a writ petition filed under Article 226 of the Constitution of India.

3.Heard the learned counsel on either side.

4.The prayer made by the petitioner involves two things. One is with regard to conducting bye-elections in RK Nagar Constituency. This writ petition has been filed in the year 2017. Subsequently, the election has been conducted in the said Constituency and hence the matter has become infructuous. With regard to the illegal activities pointed out by the petitioner, since it is a dispute relating to elections and no supporting materials have been produced, we can only say that the petitioner has to approach the competent authority and the present writ petition filed involving Article 226 of the Constitution of India, could not be entertained.

5.With the above observations, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to the Governor of Tamil Nadu,
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Kamaraj Salai, Chennai-600 009.

+lcc to Government Pleader SR.NO.64946

MR(CO)
sm:17.10.2018

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सत्यमेव जयते

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