



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.21197 of 2018

Durai

... Petitioner

Vs.

1. The Commissioner of Police,
Trichy City,
Trichy.

2. The Assistant Commissioner of Police,
(Law and Order)
Central Bus stand,
Trichy.

3. The Inspector of Police,
Cantonment Police Station,
Trichy.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 07.10.2018 and to give police protection to peaceful counting the votes which is scheduled on 11.10.2018 at Railway Kalyanamandapam, Trichirappalli.

For Petitioner : Mr.T.Villavankothai

For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

This petition has been filed seeking police protection for the peaceful counting of votes pursuant to the election conducted by the Southern Railway Employees Co-operative Credit Societies



2.It is seen from the records that the Division Bench of this Court by order dated 25.09.2018, gave detailed directions for conduct of the election. The relevant portion in the judgment is extracted here under:-

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"14.Accordingly, we appoint Mr.V.Sivasubramanian, Retired District Judge, No.1/349, Judges Avenue, Y.Pudupatti, Arumbanoor Post, Madurai - 625 104 (Mobile No.94430 15316) as Observer. The initial remuneration for the Observer is fixed as Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) and the same be paid by the third respondent Society within a week. Both the Observer and the fourth respondent - Returning Officer are hereby directed to ensure that all the voters are carrying their share certificates along with the identity cards issued by the Railway Department. The petitioners shall also issue a fresh list of dead persons within two days from today. On receipt of the same, the fourth respondent - returning officer shall release a corrigendum to the final voters list. The fourth respondent and the Observer can decide whether they required to go for videographing the entire polling and also as to the police protection by sufficient personnel from the Railway Protection Force, if necessary. The third respondent Society will provide suitable staff including attenders, accommodation and vehicles to the Observer, as required by him."

3.This petition has been filed by one of the contestant in the elections. According to him, at the time of polling itself, several incidents happened. Therefore, the present writ petition has been filed for police protection at the time of counting of votes.

4.The Division Bench of this Court has already given sufficient powers to the Observer and the Returning Officer to take sufficient police protection as and when there is a requirement. Therefore, the decision with regard to taking police protection has been absolutely vested with the Observer and the Returning Officer. If situation warrants, they will take an appropriate decision in accordance with the directions given by the Division Bench of this Court in the order referred (supra).

5.No order needs to be passed in this writ petition for that purpose. Any independent order if passed in this writ petition will only amount to duplicating the earlier order passed by the Division Bench.

<https://hcservices.ecourts.gov.in/Hcservices/> In view of the above, since the order of the Division Bench made in W.P.(MD)No.19196 of 2018, dated 25.09.2018 is already in force, no further order is required to be passed in



this writ petition.

7. In view of the same, the writ petition is dismissed.
No costs.

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Sd/-
Joint Registrar (Judicial)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Commissioner of Police,
Trichy City,
Trichy.
2. The Assistant Commissioner of Police,
(Law and Order)
Central Bus stand,
Trichy.
3. The Inspector of Police,
Cantonment Police Station,
Trichy.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 90208

RMI
TE/RP/SAR-1 : 30/10/2018 : 3P/5C

W.P. (MD) No. 21197 of 2018
10.10.2018