

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND**

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.43404 OF 2018

ORDER : (ORAL) (Per Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

The petitioner has filed this Writ Petition seeking a direction to respondent Nos.1 to 4 to take action against respondent Nos.9 and 10, who are police officers. The complaint is that the petitioner's representation and complaint dated 25.11.2018 and 26.11.2018 have not been considered by respondent Nos.1 to 4 i.e., the Election Commission of India (for short 'ECI') and officers under its command.

2. The learned Standing Counsel for Election Commission of India submitted that on the basis of the complaints raised by the petitioner, reports were called for from the district level officials and other authorities under the control of the ECI and the reports received in that regard do not call for any action, because, as per such reports, respondent Nos.9 and 10 were not involved in any duty as pleaded in the writ petition and were carrying out the duties and responsibilities allotted to them by the competent authorities.

3. The apprehension of the petitioner that the activities of respondent Nos.9 and 10 are triggered by purpose in favour of the caretaker Chief Minister, cannot be taken on its face value. We also do not see that the officers under the command of the ECI in different planks of administration of the State would carry the colour of any political party in discharging their official functions under the command

of the ECI and the officers empowered by them to act in connection with conduct of elections.

4. For the aforesaid reasons, this Writ Petition is dismissed, however, recording that the ECI and its officers will maintain continuous vigil on all relevant aspects in connection with the elections. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this writ petition stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

December 4, 2018.

PV

