

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.8701 of 2019

G.Mathew

.. Petitioner

Vs.

1. The Chief Election Commissioner of India,
Nivachan Sadan, Ashok Road,
Pandit Pant Arg Area,
Sansad Marg Area,
New Delhi - 110 001.

2. The Chief Election Commissioner of Tamil Nadu,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam, Chennai, Tamil Nadu.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, directing the respondents to reschedule the date of forthcoming Election which is going to be held on the 18th day of April 2019 based on the Representation dated 18.3.2019.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.Niranjana Rajagopalan
Standing Counsel for ECI.

सत्यमेव जयते
O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

Petitioner has contended that election is secondary to the petitioner and that the place in which booth is located is an interference into his rights in property. Mr.R.Sankarasubbu, learned counsel for the petitioner further contended that petitioner be permitted to perform his religious rights, rather conducting election in the venue chosen.

2. On the above submissions and taking note of the steps taken by the Election Commission of India, we have already passed a detailed common order in WP Nos.8090 & 8126 of 2019 dated 21.03.2019.

3. Religious rights vis-a-vis a duty to exercise the franchise and the mandatory duty of the Election Commission of India to conduct free, fair and transparent election, as per the provisions in the Constitution of India, have been considered in the abovesaid common order. It is applicable to the facts of this case. Thus, following the common order made in WP Nos.8090 & 8126 of 2019 dated 21.03.2019, prayer sought for in the instant writ petition cannot be granted. Writ petition is dismissed. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ars

To

1. The Chief Election Commissioner of India,
Nivachan Sadan, Ashok Road,
Pandit Pant Arg Area,
Sansad Marg Area,
New Delhi - 110 001.

2. The Chief Election Commissioner of Tamil Nadu,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam, Chennai, Tamil Nadu.

+1 CC to Mr.R.Sankarasubbu, Advocate sr 29510.

+1 CC to The Govt. Pleader sr 30094.

+1 CC to Mr.Niranjan Rajagopalan, Advocate sr 30088.

W.P.No.8701 of 2019

RK(CO)
SP(31/05/2019)

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