

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated:22/3/2019
CORAM

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition(MD).No.6401 of 2019

N.Sivakumar

... Petitioner

Vs

1. The Election Commission of India
Nirvachan Sadan, Ashoka road
New Delhi 110 001.
 2. The State of Tamil Nadu
rep. By its Chief Secretary to Government
Secretariat, Fort St.George
Chennai 600 009.
 3. The Chief Election Officer
Public (Elections) Department
Secretariat, Fort St.George
Chennai 600 009.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents 1 to 3 to set up Special Electronic Voting Machines to Non Service Voters consisting of Polling personnel and Police Personnel, at designated polling booths in each constituency instead of the present arrangement of Postal Ballots in future General Elections to Legislative Assemblies in India and to conduct separate polling for this category of Voters, a few days prior to or after the General Elections, within the time period stipulated by this Court.

For petitioner ... No appearance

For respondents ... Mr.Niranjan Rajagopal
for R.1.

Mr.E.Manoharan
Additional Government Pleader
for R.2.

No appearance for R.3.

O R D E R
(Order of the Court was made by S.Manikumar,J)

On 21/3/2019, when the matter was listed, there is no representation for the petitioner. Hence, directed the Registry to post the matter, under the caption, "for dismissal". Today, also there is no representation.

2. Mr.Niranjan Rajagopal, learned counsel for the Election Commission of India, first respondent, submitted that writ petition is not maintainable and that an amendment is required to the Election Laws. Submission is placed on record.

3. Inasmuch as there is no representation on two occasions, we constrained to dismiss the instant writ petition for non-prosecution. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Election Commission of India
Nirvachan Sadan, Ashoka road
New Delhi 110 001.
2. The Chief Secretary to Government
State of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.
3. The Chief Election Officer
Public (Elections) Department
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+1cc to Mr.Niranjan Rajagopal, Advocate, S.R.No.27524

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RGN(CO)
CS/16/05/2019