

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM:

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

W.P.No.10180 of 2019
and WMP No.10744 of 2019

Dr.B.R.Ambedkar Welfare Association,
Rep. By its President,
T.J.Anand Babu ... Petitioner

Vs.

1. The Assistant Election Officer,
No.5, Poonamallee (Reserved),
Constituency and Tahsildar,
Poonamallee.

2. The Inspector of Police,
B7, Vellavedu Police Station,
Vellavedu.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of certiorarified Mandamus, calling for the records in connection with order dated 23.03.2019 vide R.C.No.50/2019E1 passed by the 1st respondent and quash the same and direct the respondent to permit the petitioner association to celebrate the Dr.B.R.Ambedkar birthday celebration to be held on 14.04.2019 at No.13, Bajanaikoil Street, Perayampathu Village, Thirumazhisai, Thiruvallur District.

For Petitioner : Mr.T.Gnana Banu

For Respondents: Mr.Niranjan Rajagopalan (For R1 & R2)
Standing Counsel for ECI.

O R D E R

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

Being aggrieved by the order made in RC No.50/2019E1 dated 23.03.2019, passed by the Assistant Election Officer, No.5, Poonamallee (Reserved) Constituency and Tahsildar, Poonamallee,

refusing to grant permission to give advertisement papers, on the eve of the birthday of Dr.B.R.Ambedkar, take out street and vehicle procession and to install loudspeakers, instant writ petition is filed for a certiorarified mandamus, to call for the records pertaining to the abovesaid order, quash the same and to direct Assistant Election Officer, No.5, Poonamallee (Reserved) Constituency and Tahsildar, Poonamallee, 1st respondent herein, to permit the petitioner association to celebrate Dr.B.R.Ambedkar birthday celebration to be held on 14.04.2019 at No.13, Bajanaikoil Street, Perayampathu Village, Thirumazhisai, Thiruvallur District.

2. On support of the prayer sought, petitioner has relied on the proceedings of the Election Officer No.5, Poonamallee Constituency and Revenue Divisional Officer, Thiruvallur, wherein permission has been granted in No.13/2016/A4 dated 18.03.2016. Submissions have been made by Mr.T.Gnana Banu, learned counsel for the petitioner.

3. On the above prayer, with reference to the decision taken on 18.03.2016, granting permission to go on procession on 14.04.2016, by the Election Officer No.5, Poonamallee Constituency and Revenue Divisional Officer, Thiruvallur, Mr.Niranjana Rajagopalan, learned counsel for the Election Commission of India submitted that earlier in 2016, Model Code of Conduct, came into force on 4th or 5th of March 2016. However, an order was passed on 18.03.2016 by the Election Officer No.5, Poonamallee Constituency and Revenue Divisional Officer, Thiruvallur.

4. Reverting to the case on hand, on instructions Mr.Niranjana Rajagopalan, learned counsel for the Election Commission of India submitted that notwithstanding the order passed on 23.03.2019, petitioner be permitted to make a fresh representation and that the same would be considered, de hors the order made in RC No.50/2019E1 dated 23.03.2019, impugned in the instant writ petition. Submission is placed on record.

5. Mr.T.Gnana Banu, learned counsel for the petitioner submitted that procession would not be conducted and that celebration would be restricted only in one place. Submission is placed on record.

6. Placing on record the submissions of both parties, this Court is of the view that there is no need to set aside the order impugned in this writ petition and on the contra, grant liberty to Dr.B.R.Ambedkar Welfare Association, the petitioner herein, to make a fresh representation to the Assistant Election Officer, No.5, Poonamallee (Reserved) Constituency and Tahsildar, Poonamallee, the 1st respondent, for permission. On

receipt of the fresh representation, Assistant Election Officer, No.5, Poonamallee (Reserved) Constituency and Tahsildar, Poonamallee, 1st respondent is directed to reconsider the request, de hors the order impugned, as submitted before this Court by the learned Counsel for the Election Commission of India and pass orders, within two days from the date of receipt of the abovesaid representation.

7. Mr.Niranjana Rajagopalan, learned counsel for the Election Commission of India, submitted that without waiting for the copy of this order, fresh representation would be considered and orders passed.

8. Recording the above, writ petition is disposed of with directions. No Costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Election Officer,
No.5, Poonamallee (Reserved),
Constituency and Tahsildar,
Poonamallee.

2. The Inspector of Police,
B7, Vellavedu Police Station,
Vellavedu.

+1cc M/S.T.Gnanabanu, Advocate Sr.34007

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