

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2019

CORAM:

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

W.P.No.10853 of 2019
and W.M.P.No.11296 of 2019

Chandra Sekran

.. Petitioner

Vs.

1. The Chief Electoral Officer,
Tamilnadu Election Commission,
Chennai.
2. The District Election Officer and
District Collector,
Tirunelveli.
3. Mr.Jeyapaul Moorthy,
Zonal Officer of General Elections - 2019
cum Sanitary Inspector,
Puliyangudi Municipality,
Tirunelveli District.
4. Mr.Venkatraman,
Zonal Officer of General Elections - 2019
cum Sanitary Inspector,
Puliyangudi Municipality,
Tirunelveli District.

.. 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 pertaining to the impugned proceedings in ROC.No.L3/7235/2019 dated 22.03.2019 passed by the 2nd respondent quash the same in respect of Zonal Nos.18 & 20 and Sl. 18 & 20 and consequently direct the second respondent to implement the circular passed by the 1st respondent in Letter No.650/2019-29 dated 06.03.2019 in order to ensure the free and fair General Election 2019.

For Petitioner : Mr.R.Bakayaraj

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.)

Petitioner has sought for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings in ROC.No.L3/7235/2019 dated 22.03.2019 passed by the District Election Officer and District Collector, Tirunelveli, the 2nd respondent and to quash the same, in respect of Zonal Nos.18 & 20 and Sl. 18 & 20 and consequently, to direct the District Election Officer and District Collector, Tirunelveli, the 2nd respondent to implement the circular passed by the Chief Electoral Officer, Tamilnadu Election Commission, Chennai, the 1st respondent in Letter No.650/2019-29 dated 06.03.2019 in order to ensure the free and fair General Election 2019.

2. Averments have been made that Mr.Jeyapaul Moorthy and Mr.Venkatraman, Zonal Officers of General Elections-2009 cum Sanitary Inspectors, Puliyangudi Municipality, Tirunelveli District, respondents 3 and 4, respectively, are working as Sanitary Inspectors in Puliyangudi Municipality, Tirunelveli District, for more than 3 years. Averments are also made that 4th respondent is related to the then Chairman, one Sankarapandiyan, belonging to Amma Makkal Munnetra Kazhagam Party. There is no averment regarding Respondent No.3, as to his proximity with any political party.

3. On instructions from the District Election Officer and District Collector, Tirunelveli, the 2nd respondent, Mr.Niranjana Rajagopalan, learned counsel for respondents 1 and 2 submitted that a decision has been taken by the District Election Officer and District Collector, Tirunelveli, the 2nd respondent, to change them. However, he submitted that procedure as contemplated under the Model Code of Conduct, has to be followed. Submission of Mr.Niranjana Rajagopalan, learned counsel for respondents 1 and 2, is placed on record.

4. Placing on record the above, we direct that decision taken be enforced.

5. With the above directions, writ petition is disposed of. No Costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar(Insp.cell)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Electoral Officer,
Tamilnadu Election Commission,
Chennai.

2. The District Election Officer and
District Collector,
Tirunelveli.

+1 cc to Mr.R.Bakiyaraj, Advocate, Sr.No. 36027

+1 cc to The Government Pleader, Sr.No.35003

+1 cc to Mr.Niranjan Rajagopalan, Advocate, Sr.No. 34986

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NRL(CO)
CSL/02.05.2019



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