

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27/4/2019

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.10220 of 2019

K. Thanga Meenakshi

...

Petitioner

Vs

1. The State Chief Election Commissioner
O/o. Chief Election Commission
Fort St. George
Chennai 600 009.

2. The District Electoral Officer/
District Collector
Madurai District.

3. The Returning Officer
195 Thiruparankundram Legislative
Assembly Constituency
Madurai District.

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to forbear the respondents from any way allowing the voters to take Aarathi to the contesting candidates in Thiruparankundram Legislative Assembly Constituency Bye-Election scheduled to be held on 19/5/2019 and to take necessary action on the basis of the representation sent by the petitioner dated 20/4/2019, within the stipulated time.

For petitioner

सत्यमेव जयते

... Mr.S.Vinodh Kumar

for M/s.A.S.Vaigunth

For respondents

... Mr.Niranjana Rajagopalan

for M/s.G.R.Associates

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O R D E R

(Order of the Court was made by S.Manikumar,J)

Ms.K.Thanga Meenakshi, a practising Advocate, claiming herself to be a public interest litigant, has sought for a writ of mandamus, to forbear the respondents, in from any way

allowing the voters, to take Aarathi, to the contesting candidates, in Thiruparankundram Legislative Assembly Constituency Bye-Election scheduled to be held, on 19/5/2019 and to take necessary action, on the basis of the representation, sent by the petitioner, dated 20/4/2019, within the stipulated time.

2. In support of the prayer sought for, petitioner has contended that by allowing Arathi to be taken, the contestants are encouraging the practice of dropping money of Rs.200, 500 and 1,000/- to the voters. Such practice of giving money and other things, as gift to the voters is nothing but bribe to the voters and that the same is punishable under the provisions of Representation of People Act, 1951 as well as the Indian Penal Code.

3. Contending inter alia that no action has been taken, on the representation, dated 20/4/2019, instant writ petition has been filed, for the relief, stated supra.

4. Heard Mr.S.Vinodh Kumar, learned counsel for the petitioner and Mr.Niranjan Rajagopalan, learned counsel for the respondents

5. Prayer sought for is wholly misconceived. If any candidate offers money to the voters, while Arathi is taken, it is open to the petitioner, to bring it to the notice of the respondents, with proof. There is no constitutional or statutory right, demanding the Election Commission of India, or the other respondents as the case may be to issue a fiat, not to allow voters to take arathi to the contesting candidates. Taking arathi is traditional, and there cannot be a ban, and election is not an exception.

6. In view of the above observation, writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The State Chief Election Commissioner
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Chennai 600 009.
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+1cc to M/s.G.R.Associates, Advocate sr.42088

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nr 02/05/2019



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