

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 2ND DAY OF MARCH 2020

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

O.A.No. 953 & 955 of 2019
in
Election Petition No. 3 of 2016

ELP No.3 of 2016
&
OA.NOS.953 & 955 OF 2019

S.M.Nasar,
No.16, Thayagam Illam,
Budhhar Street,
Kamarajar Nagar,
Avadi,
Chennai 600 071.

...Petitioner/Applicant

-VS-

1.Pandia Rajan K.
61/-TAS Enclave,
Flat No.C3, 3rd Floor,
Golden Kings Court,
10th Main Road, Annanagar,
Chennai 600 040.

2.Charles S.
4/- Dr.Ambedkar Street,
Kengureddykuppam,
Thiruninravur 602 024.

3.Loganathan J.
3-9/- Pillayar Koil Street,
Pidarithangal Village,
Paanavedu Garden,
Poonamallee,
Chennai 600 056.

4. Anthridoss R.
3/- Govindarajulu Street,
Sri Devi Nagar,
Avadi, Chennai 600 071.

5. Anandakrishnan N.
4/- Station Road,
Annanur, Chennai 600 077.

6. Nallathambi S.
37/- Mosque Street,
Pattabiram,
Chennai 600 072.

7. Ponnusamy R.
5/- Transformer Metu Street,
Thiruninravur, Chennai 602 024.

8. Rowoth Pasari,
3/- 3rd Street, Santhipuram,
Thirumullaivoyal,
Avadi, Chennai 600 062.

9. Antharaiyan,
198-13/- Madhakoil Street,
Monnavedu, Melannur,
Tiruvallur,
Pincode - 627 027.

10. Karthikeyan V.P.
B3-35/- Kendriyavihar,
2nd PH Road,
Paruthipattu,
Avadi 600 071.

11. Kaliasammal Rajendran,
3/- EVR Nagammai Nagar,
Vinayagarkoil Cross Street,
Avadi, Chennai 600 109.

12. Sathya D.
3-Jothiramalinga Nagar,



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2nd Cross Street,
Kavarapalayam,
Avadi, Chennai 600 054.

13.Selvanayagam D.
30-2/- Thiruvalluvar Street,
Kamarajapuram, Pattabiram,
Chennai 600 072.

14.Dharani K.
16-5/- Kadumpadi,
Nagammankoil Street,
Chattaram, Pattabiram,
Chennai 600 072.

15.Dinesh kumar P.
3-10/- Thanneerkinaru Street,
Thandurai,
Pattabiram,
Chennai 600 072.

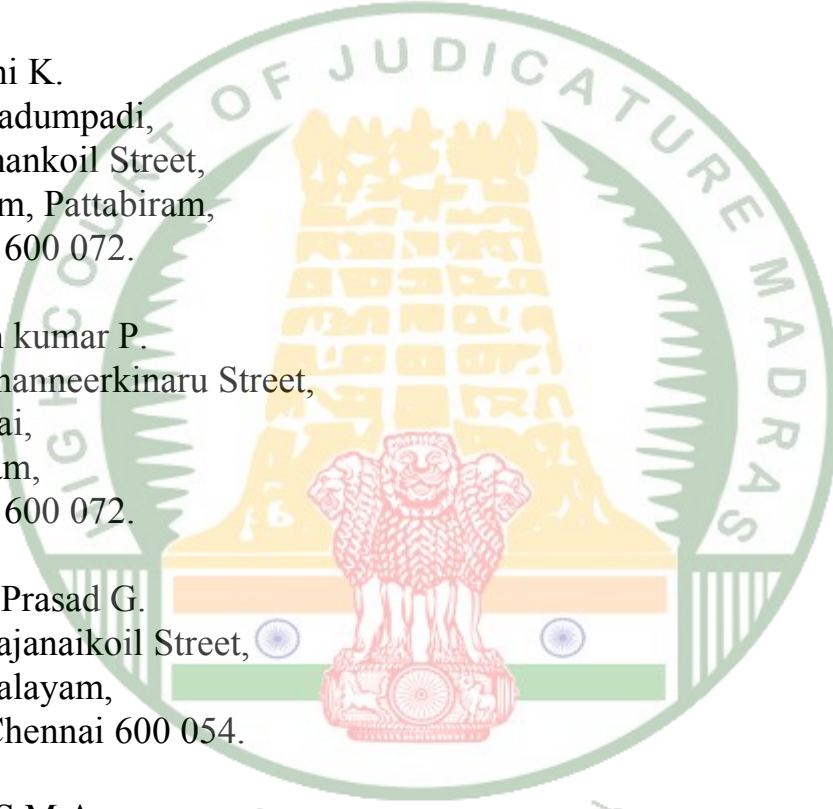
16.Durga Prasad G.
10-1/- Bajanaikoil Street,
Kavarapalayam,
Avadi, Chennai 600 054.

17.Nasar S M A
26/- Pavalakara Street,
Mannadi, Chennai 600 001.

18.Pandiarajan G.
2/- Ramalingapuram 1st Street,
Kamarajarnagar, Avadi,
Chennai 600 071.

19.Ramachandran J.
4/3, Annai Abirami Nagar,
Sivan Koil Road, Avadi,
Chennai 600 077.

20.Janova J.
44/42 Mettu Street,



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Sekkadu,
Avadi, Chennai 600 071.

21.The Election Commission of India,
Represented by its Chief Election Commissioner,
Nirvachan Sadan, Ashoka Road,
New Delhi 110 001.

22.The Returning Officer,
Avadi Constituency,
Avadi Taluk Office,
Railway Station Road,
Avadi, Chennai 600 054.

23.V.Muthusamy,
Returning Officer,
Avadi Constituency,
Avadi Taluk Office,
Railway Station Road,
Avadi, Chennai 600 054.

24.Muthu,
DRO Cum Election Nodal Officer for Avadi and
Poonamallee Constituency, Collectorate Office,
Tiruvallore.

...Respondents/Respondents

(Respondents 21 & 22 struck off from the array of respondents in ELP. No.3 of 2016 as per order of this Hon'ble Court dated 11.07.2017 made in OA. Nos.297 & 298 of 2017 in ELP.No.3 of 2016)

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The Original Application No.953 of 2019 praying that this Hon'ble Court be pleased to issue a subpoena to the Returning Officer, Avadi Constituency, Avadi Taluk Office, Railway Station Road, Avadi, Chennai 60 0054 to produce the video record and proceedings pertaining to the

Mr.Amit Choudhary, Chief Observer, in Avadi Constituency during the Assembly elections held in May 2016.

The Original Application No.955 of 2019 praying that this Hon'ble Court be pleased to issue a subpoena to the Returning Officer, Avadi Constituency, Avadi Taluk Office, Railway Station Road, Avadi, Chennai 60 0054 to produce the election expenditure statement filed by the 1st respondent in Avadi Assembly Constituency during the Assembly elections held in May 2016.

The above Original Applications coming on this day before this court for hearing in the presence of Mr.Richardson Wilson for M/s.P.Wilson Associates, Advocates for the Applicant/Election Petitioner and Mr.Karthik Seshadri for M/s.Iyer & Thomas, Advocates for the 1st Respondent/1st Respondent; Mr.Niranjan Rajagopalan, Standing Counsel for the Election Commission of India in both Applications; and the order of this Court herein dated 25.11.2019 and this Court having observed that Mr.Karthik Seshadri, learned counsel appearing for the respondent does not have any objection for the Court, directing both the officers to be available on the same day, so that the documents can be produced by the present Returning Officer and can be marked through them Returning Officer and in view of

dispensed with,

THE COURT MADE THE FOLLOWING ORDER :-

Pursuant to the order dated 25.11.2019 made in application Nos.953, 955 of 2019, the staff of the office of the Returning officer of Avadi Constituency have brought the documents and the erstwhile Returning Officer Mr.V.Muthusamy is present in Court. The present Returning Officer, is not available.

2. Mr.Karthik Seshadri, learned counsel appearing for the respondent does not have any objection for the Court, directing both the officers to be available on the same day, so that the documents can be produced by the present Returning Officer and can be marked through then Returning Officer.

3. In view of the same, the necessity of issuing Subpoena to both the officials is dispensed with.

4. Mr.Niranjan Rajagopal, learned counsel for the Election Commission is directed to ensure the presence of the present Returning Officer Mr.R.Karthikeyan as well as the then Returning Officer

Officer Mr.R.Karthikeyan, is also directed to produce the records mentioned in O.A.No.953 and 955 of 2019 relating to the proceedings pertaining to the seizure of documents and cash dated 11.05.2016 by Election Observer Mr.Amith Chowdri, IAS on 16.03.2020 at 2.15 pm.

WITNESS, THE HON'BLE THIRU AMRESHWAR PRATAP SAHI,
CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID THIS THE
2nd DAY OF MARCH 2020.

SD/- (i/c)
ASSISTANT REGISTRAR
Original Side – I

//CERTIFIED TO BE TRUE COPY//
DATED THIS THE DAY OF 2020

COURT OFFICER(OS)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

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cns.05.03.2020

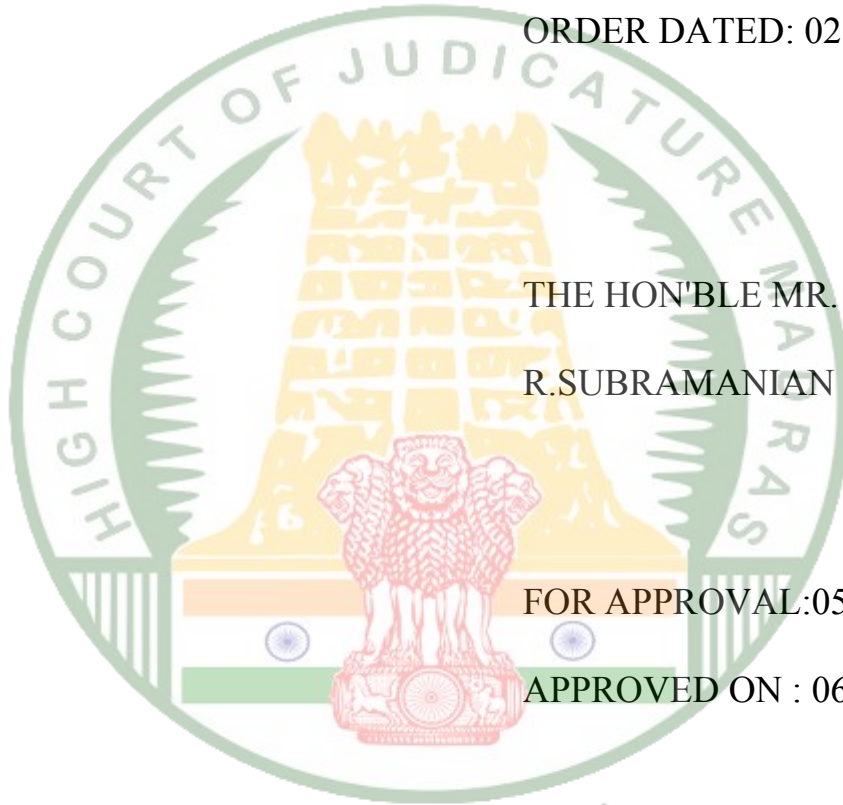
O.A.Nos. 953 & 955 of 2019
IN
ELP.NO.3 OF 2016

ORDER DATED: 02.03.2020

THE HON'BLE MR. JUSTICE
R.SUBRAMANIAN

FOR APPROVAL:05/03/2020

APPROVED ON : 06/03/2020



Copy To:

1.Mr.R.Karthikeyan,
Present Returning Officer,

2.Mr.V.Muthusamy,
The Then Returning Officer,

THROUGH

3.Mr.Niranjan Rajagopalan,
M/s.G.R.Associates,
III-A, High Court Chambers,
High Court Buildings,Ch-104.