

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 6TH DAY OF NOVEMBER 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

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

OA.NO.955 OF 2019

&

ELP No.3 of 2016

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

...Applicant/Petitioner

-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. Kaliammal Rajendran,
3/- EVR Nagammai Nagar,
Vinayagarkoil Cross Street,
Avadi, Chennai 600 109.
12. Sathya D.
3-Jothiramalinga Nagar,
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,
Inandurai,
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,
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)

This Original Application 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 600 054, 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 Application 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; and upon reading the Judges Summon and affidavit of S.M. Nasar, filed and Common Counter Affidavit of the 1st Respondent filed herein; and

THE COURT MADE THE FOLLOWING ORDER:-

This application has been filed seeking issuance of Subpoena to the Returning Officer, Avadi Constituency, requiring to produce the Election Expenditure Statement filed by the 1st respondent.

2. It is the specific case of the petitioner that many Election Expenditures incurred by the 1st respondent has not been included in his Election Expenditure Statement.

3. Mr. Richardson Wilson, learned counsel appearing for the petitioner would submit that the Election Expenditure Statement of the 1st respondent is not made available on the public domain or in the website of the Election Commission.

Several allegations have been made in the Election petition regarding the quantum of expenditure incurred by the 1st respondent. P.W.1 in his evidence has claimed the Election Expenditure, it would be not less than Rs.16 Crores.

4. Mr.Karthik Seshadri, learned counsel for the respondents would submit that the petitioner has nowhere stated that he attempted to take a copy of the Election Expenditure statement and the same was not available to him.

5. Considering the allegations made as well as the evidence so far let in, I am of the considered opinion that no prejudice will be caused to the respondents by directing the Returning Officer to produce the Election Expenditure Statement, since it is a part of the record and is to be made available in the Public domain also.

6. Hence, the application is allowed. Registry is directed to issue Subpoena to the Returning Officer, Avadi Constituency, Avadi Taluk Office, Railway Station Road, Avadi, Chennai 600 054, requiring him to produce the Election Expenditure Statement filed by the 1st respondent on 18.11.2019.

WITNESS, THE HON'BLE DR.JUSTICE VINEET KOTHARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS, AFORESAID THIS THE 6TH DAY OF NOVEMBER 2019.

SD/-

ASSISTANT REGISTRAR
Original Side - II

//CERTIFIED TO BE TRUE COPY//

DATED THIS THE DAY OF 2019

COURT OFFICER(OS)

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cns.13.11.2019

O.A.No. 955 of 2019

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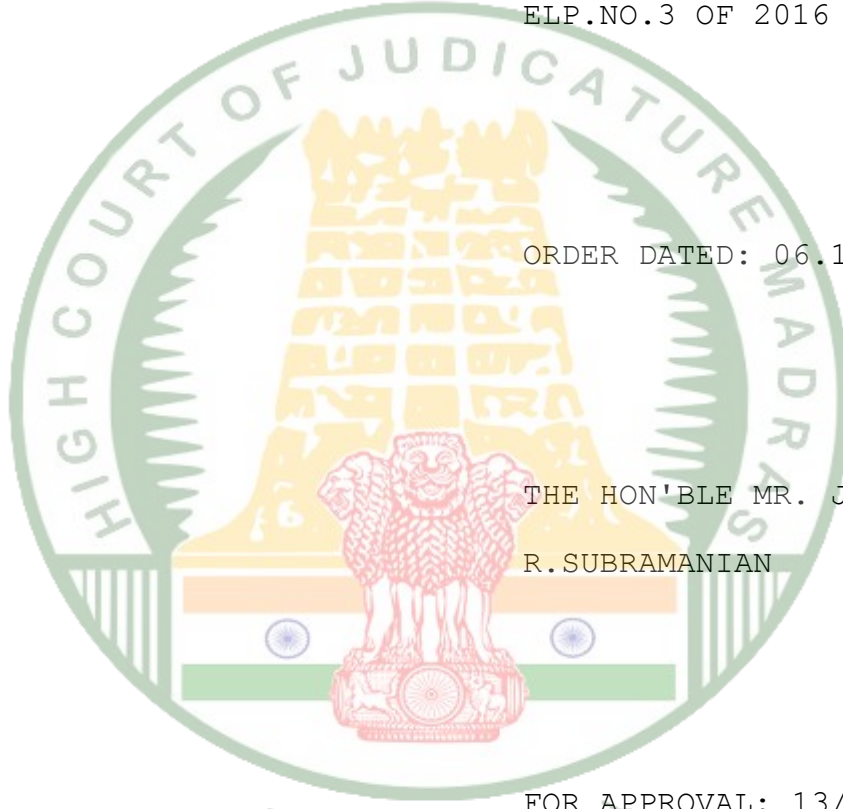
ELP.NO.3 OF 2016

ORDER DATED: 06.11.2019

THE HON'BLE MR. JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 13/11/2019

APPROVED ON : 13/11/2019



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