

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.Nos.35824,35836, 35837, 35839, 35843, 35851,
35859, 35871, 35872, 35876, 35877, 35881,
35887, 35888, 35891 & 35889 of 2019 &
W.M.P.Nos.36722, 36723 of 2018

- 1 G.GEETHA ... PETITIONER in WP No.35824 of 2019
NO. 1/204 CHITHAR KOIL MAIN ROAD PANANKADU
ANDIPATTI SALEM 636 307
- 1 A.SARASWATHI ... PETITIONER in WP No.35836 of 2019
W/O.ANNAMALAI NO.7 PATTI STREET
PARAMANANDHAL VILLAGE AND POST CHENGAM
TALUK THIRUVANNAMALAI DISTRICT
- 1 R.S.BHARATHI ... PETITIONER in WP No.35837 of 2019
ORGANISATION SECRETARY DRAVIDA MUNNETRA
KAZHAGAM (DMK) ANNA ARIVALAYAM NO. 367 AND
369 ANNA SALAI TEYNAMEPT CHENNAI 600 018.
- 1 G.NANMARAN ... PETITIONER in WP No.35839 of 2019
THE SPOKESPERSON MARUMALARCHI DRAVIDA
MUNNETRA KAZHAGAM(M.D.M.K) 12 RUKMANI
LAKSHMIPATHY SALAI EGMORE CHENNAI 600 008
- 1 A.RAJA ... PETITIONER in WP No.35843 of 2019
S/O.LATE VEERAPANDI ARUMUGHAM VEERAPANDIYAR
GARDEN POOLAVARI AGRAHARAM SALEM 636 010
- 1 D.INDIRA ... PETITIONER in WP No.35851 of 2019
W/O.BABU DOOR NO.2/7 NORTH BOOTHINATHAM S.
K.PALAYAM UDUMALPET TALUK TIRUPPUR
DISTRICT 642 132

- 1 D.PARVENTHAN ... PETITIONER in WP No.35859 of 2019
S/O.DAKSHINAMOORTHY NO.1A ILAKIYA ILLAM S.
M.S.APARTMENTS GANESAPURAM CHENNAI 18
- 1 K.BALAKRISHNAN ... PETITIONER in WP No.35871 of 2019
STATE SECRETARY COMMUNIST PARTY OF INDIA
(MARXIST) TAMIL NADU STATE COMMITTEE P.R.
NINAIVAGAM 27 VAIDHYARAM STREET SOUTH BOAG
ROAD T.NAGAR CHEN
- 1 MRS.K.ELANJIYAM ... PETITIONER in WP No.35872 of 2019
W/O. KATHIRVEL NO 87/5 AANDAN KOIL PUDUR
(EAST) KARUR DISTRICT.
- 1 MRS.S.RAJAM ... PETITIONER in WP No.35876 of 2019
W/O. M.C.SUNDARAM NO 64/7 MARIAMMAN KOIL
STREET MAYANUR VILLAGE AND PANCHAYAT KARUR
DISTRICT.
- 1 MRS.N.JAYAMMAL ... PETITIONER in WP No.35877 of 2019
W/O.NALLASAMY NO 7-26 THANEERPANDHALPALAYAM
MANMANGALAM VILLAGE KARUR DISTRICT 639006.
- 1 R.MUTHARASAN ... PETITIONER in WP No.35881 of 2019
STATE SECRETARY COMMUNIST PARTY OF INDIA
(CPI) BALAN ILLAM 43 CHEVALIYER SIVAJI
GANESAN SALAI T.NAGAR CHENNAI 600017
- 1 SCD SHUNMUGAM ... PETITIONER in WP No.35887 of 2019
S/O.DHANDABANI 358 MEIN ROAD NEELITHOPPU
SATHIPATTU POST PANRUTTI TALUK CUDDALORE
DISTRICT.

WEB COPY

- 1 P.ANANTHAN ... PETITIONER in WP No.35888 of 2019
S/O.PERUMAL NO.268 MAIN ROAD KA.
KUCHIPALAYAM KATTAMUTHUPALAYAM VILLAGE AND
POST KALLIPATTU PANCHAYATH PANRUTTI TALUK
CUDDALORE DISTRICT.
- 1 K.S.ALAGIRI
S/o.V.Sambantham President Tamilnadu
Congress Committee Sathyamurthy Bhavan 40
Thiru Vi Ka Salai Chennai 2 ...Petitioner in WP.No.35889
of 2019
- 1 T.Veerappan
S/o.Thangarasu No.8 Main Road
Melkalavarapattu Village and Post Panrutti
Taluk Cuddalore District. PETITIONER in
WP.No.35891 of 2019
- 1 THE STATE ELECTION COMMISSION ... RESPONDENT in WP
No.35824 of 2019
REP. BY ITS ELECTION COMMISSIONER INNER
RING ROAD JAI NAGAR KOYAMBEDU CHENNAI 600
106
- 2 THE DIRECTOR OF RURAL DEVELOPMENT AND PANCHAYAT RAJ PANAGAL MAALIGAI
4TH AND 5TH FLOOR ABDUL RAZZAK STREET
SAIDAPET CHENNAI 600 015
- 3 THE DISTRICT ELECTION OFFICER
THE DISTRICT COLLECTOR SALEM DISTRICT SALEM
- 4 THE RETURNING OFFICER
DISTRICT PANCHAYAT WARD NO. 19 SALEM
PANCHAYAT UNION SALEM DISTRICT SALEM
- 1 THE DISTRICT COLLECTOR THIRUVANNAMALAI DISTRICT THIRUVANNAMALAI
... RESPONDENT in WP No.35836
of 2019
- 2 THE ELECTION OFFICER
CHENGAM PANCHAYAT UNION WARD NO.2 CHENGAM
PANCHAYAT UNION CHENGAM THIRUVANNAMALAI
DISTRICT

3 THE INSPECTOR OF POLICE
CHENGAM POLICE STATION CHENGAM
THIRUVANNAMALAI DISTRICT

1 THE TAMIL NADU STATE ELECTION
COMMISSION REP. BY ITS SECRETARY NO. 208/2
JAWAHARLAL NEHRU ROAD OPP. TO CMBT
ARUMBAKKAM CHENNAI 600 106. ... RESPONDENT in WP No.35837
of 2019

2 THE TAMIL NADU STATE ELECTION
COMMISSION REP. BY ITS SECRETARY NO. 208/2
JAWAHARLAL NEHRU ROAD OPP. TO CMBT
ARUMBAKKAM CHENNAI 600 106.

3 THE DIRECTOR GENERAL OF POLI
CE KAMARAJAR SALAI CHENNAI 600 004

4 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER SALEM DISTRICT
SALEM

5 THE SUPERINTENDENT OF POLICE
SALEM DISTRICT

6 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER ARIYALUR DISTRICT

7 THE SUPERINTENDENT OF POLICE
ARIYALUR DISTRICT

8 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER COIMBATORE
DISTRICT

9 THE SUPERINTENDENT OF OLICE
COIMBATORE DISTRICT

10 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER CUDDALORE DISTRICT

11 THE SUPERINTENDENT OF POLICE
CUDDALORE DISTRICT

- 12 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER DHARMAPURI
DISTRICT
- 13 THE SUPERINTENDENT OF POLICE
DHARMAPURI DISTRICT
- 14 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER DINDUGAL DISTRICT
- 15 THE SUPERINTENDENT OF POLICE
DINDUGAL DISTRICT
- 16 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER ERODE DISTRICT
- 17 THE SUPERINTENDENT OF POLICE
ERODE DISTRICT
- 18 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER KANYAKUMARI
DISTRICT
- 19 THE SUPERINTENDENT OF POLICE
DISTRICT ELECTION OFFICER KANYAKUMARI
DISTRICT
- 20 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER KARUR DISTRICT
- 21 THE SUPERINTENDENT OF POLICE
KARUR DISTRICT
- 22 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER KRISHNAGIRI
DISTRICT
- 23 THE SUPERINTENDENT OF POLICE
KRISHNAGIRI DISTRICT
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DISTRICT ELECTION OFFICER MADURAI DISTRICT
- 25 THE SUPERINTENDENT OF POLICE
MADURAI DISTRICT
- 26 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER NAGAPATTINAM
DISTRICT

- 27 THE SUPERINTENDENT OF POLICE
NAGAPATTINAM DISTRICT
- 28 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER NAMAKKAL DISTRICT
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NAMAKKAL DISTRICT
- 30 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER PERAMBALUR
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PERAMBALUR DISTRICT
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DISTRICT ELECTION OFFICER PUDUKOTTAI
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PUDUKOTTAI DISTRICT
- 34 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER RAMANATHPURAM
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- 35 THE SUPERINTENDENT OF POLICE
RAMANATHPURAM DISTRICT
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DISTRICT ELECTION OFFICER SIVAGANGAI DISTRICT
- 37 THE SUPERINTENDENT OF POLICE
SIVAGANGAI DISTRICT
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DISTRICT ELECTION OFFICER THANJAVUR DISTRICT
- 39 THE SUPERINTENDENT OF POLICE
THANJAVUR DISTRICT
- 40 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER NILGIRIS DISTRICT
- 41 THE SUPERINTENDENT OF POLICE
NILGIRIS DISTRICT
- 42 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER THENI DISTRICT

- 43 THE SUPERINTENDENT OF POLICE
THENI DISTRICT
- 44 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER TUTICORIN DISTRICT
- 45 THE SUPERINDENT OF POLICE
TUTICORIN DISTRICT
- 46 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER TRICHY DISTRICT
- 47 THE SUPERINDENT OF POLICE
TRICHY DISTRICT
- 48 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER TIRUPUR DISTRICT
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TIRUPUR DISTRICT
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THIRUVANNAMALAI DISTRICT
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DISTRICT ELECTION OFFICER TIRUVARUR DISTRICT
- 55 THE SUPERINTENDENT OF POLICE
TIRUVARUR DISTRICT
- 56 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER VIRUDHUNAGAR
DISTRICT
- 57 THE SUPERINDENTDENT OF POLICE
VIRUDHUNAGAR DISTRICT

1 THE TAMIL NADU STATE ELECTION COMMISSION
REP BY ITS SECRETARY NO 208/2
JAWAHARLAL NEHRU ROAD OPP TO CMBT
ARUMBAKKAM CHENNAI 600 106 ... RESPONDENT in WP
No.35839 of 2019

2 THE TAMIL NADU STATE ELECTIO
N COMMISSIONER NO 208/2 JAWAHARLAL NEHRU
ROAD OPP TO CMBT ARUMBAKKAM CHENNAI 600 106

3 THE DIRECTOR GENERAL OF POLICE
KAMARAJAR SALAI CHENNAI 600 004

1 THE TAMIL NADU STATE ELECTION
COMMISSIONER TAMIL NADU ELECTION COMMISSION
NO. 208/2 JAWAHARLAL NEHRU ROAD JAI NAGAR
KOYAMBEDU CHENNAI 106

2 THE DISTRICT COLLECTOR
COLLECTOR OFFICE SALEM DISTRICT ... RESPONDENT in WP
No.35843 of 2019

1 THE STATE ELECTION COMMISSION OFFICER
JAWAHARLAL NEHRU ROAD KOYAMBEDU
CHENNAI ... RESPONDENT in WP
No.35851 of 2019

2 THE DISTRICT ELECTION OFFICER
TIRUPPUR TIRUPPUR DISTRICT

3 THE DISTRICT COLLECTOR
COLLECTORATE BUILDING TIRUPPUR TIRUPPUR
DISTRICT

4 THE SUPERINTENDENT OF POLICE
TIRUPPUR TIRUPPUR DISTRICT

1 THE TAMIL NADU STATE ELECTION
COMMISSION REP BY ITS SECRETARY NO.
208/2 JAWAHARLAL NEHRU ROAD OPP TO CMBT
ARUMBAKKAM CHENNAI 106 ... RESPONDENT in WP No.35859 of
2019

2 THE TAMIL NADU STATE ELECTIO
N COMMISSIONER NO.208/2 JAWAHARLAL NEHRU
ROAD OPP TO CMBT ARUMBAKKAM CHENNAI 106

3 THE DIRECTOR GENERAL OF POLI
CE KAMARAJAR SALAI CHENNAI 4

1 THE TAMIL NADU STATE ELECTION ... RESPONDENT in WP
No.35871 of 2019
COMMISSION REP. BY ITS SECRETARY NO. 208/2
JAWAHARLAL NEHRU ROAD OPP. TO CMBT
ARUMBAKKAM CHENNAI 600 106.

2 THE TAMIL NADU STATE ELECTION
COMMISSION REP. BY ITS SECRETARY NO. 208/2
JAWAHARLAL NEHRU ROAD OPP. TO CMBT
ARUMBAKKAM CHENNAI 600 106.

3 THE DIRECTOR GENERAL OF POLI
CE KAMARAJAR SALAI CHENNAI 600 004

4 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER SALEM DISTRICT
SALEM

5 THE SUPERINTENDENT OF POLICE
SALEM DISTRICT

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DISTRICT ELECTION OFFICER ARIYALUR DISTRICT

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COIMBATORE DISTRICT

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TIRUVARUR DISTRICT
- 56 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER VIRUDHUNAGAR
DISTRICT
- 57 THE SUPERINDENTDENT OF POLICE
VIRUDHUNAGAR DISTRICT

- 1 THE Tamil Nadu state Election
Commissioner Tamil Nadu State Election
Commission No 208/2 Jawaharlal Nehru Road
Opp CMBT Arumbakkam chennai-106.
- 2 The Chief Electoral officer
(rural) Tamil Nadu State Election
Commission No 208/2 Jawaharlal Nehru road
OPP CMBT Arumbakkam chennai-106.
- 3 The District collector/ district Election Officer Karur District Karur.
- 4 The Assistant Returning officer
Aandan Koil Pudur Panchayat Karur
Constitutency Karur District Karur.
- 5 The Superintendent of Police
Karur District Karur. ...Respondent in
WP.No.35872/2019
- 1 THE Tamil Nadu state Election
Commissioner Tamil Nadu State Election
Commission No 208/2 Jawaharlal Nehru Road
Opp CMBT Arumbakkam chennai-106. ...Respondent in
WP.35876/2019
- 2 The Chief Electoral officer
(rural) Tamil Nadu State Election
Commission No 208/2 Jawaharlal Nehru road
OPP CMBT Arumbakkam chennai-106.
- 3 The District collector/ district Election Officer Karur District Karur.
- 4 The Returning officer
Mayanur village Panchayat krishnarayapuram
Panchayat Union karur district.
- 5 The assistant Returning officer
Mayanur village Panchayat
Krishnarayapuram Panchayat Union karur
karur District.
- 6 The Superintendent of Police
Karur District Karur.

- 1 THE Tamil Nadu state Election
Commissioner Tamil Nadu State Election
Commission No 208/2 Jawaharlal Nehru Road
Opp CMBT Arumbakkam chennai-106.
- 2 The Chief Electoral officer
(rural) Tamil Nadu State Election
Commission No 208/2 Jawaharlal Nehru road
OPP CMBT Arumbakkam chennai-106.
- 3 The District collector/ district Election Officer Karur District Karur.
- 4 The Assistant Returning officer Manmangalam Panchayat Karur
Constitutency Karur District Karur.
- 5 The Superintendent of Police Karur District Karur. ...Respondent in
WP.35877/2019
- 1 The Tamil Nadu State Election
Commission Rep. by its Secretary No. 208/2
Jawaharlal Nehru Road Opp. to CMBT
Arumbakkam Chennai 600 106. ...Respondent in
WP.35881/2019
- 2 The Tamil Nadu State Election
Commission Rep. by its Secretary No. 208/2
Jawaharlal Nehru Road Opp. to CMBT
Arumbakkam Chennai 600 106.
- 3 The Director General of Police Kamarajar Salai Chennai 600 004
- 4 The District Collector District Election Officer Salem District
Salem
- 5 The Superintendent of Police Salem District
- 6 The District Collector District Election Officer Ariyalur District
- 7 The Superintendent of Police Ariyalur District

- 8 The District Collector
District Election Officer Coimbatore
District
- 9 The Superintendent of Police
Coimbatore District
- 10 The District Collector
District Election Officer Cuddalore District
- 11 The Superintendent of Police
Cuddalore District
- 12 The District Collector
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- 17 The Superintendent of Police
Erode District
- 18 The District Collector
District Election Officer Kanyakumari
District
- 19 The Superintendent of Police
District Election Officer Kanyakumari
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- 20 The District Collector
District Election Officer Karur District
- 21 The Superintendent of Police
Karur District
- 22 The District Collector
District Election Officer Krishnagiri
District

- 23 The Superintendent of Police
Krishnagiri District
- 24 The District Collector
District Election Officer Madurai District
- 25 The Superintendent of Police
Madurai District
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District Election Officer Nagapattinam
District
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Nagapattinam District
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Perambalur District
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Pudukottai District
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Ramanathpuram District
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Sivagangai District

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Trichy District
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- 51 The Superintendent of Police
Tiruvallur District
- 52 The District Collector
District Election Officer Thiruvannamalai District
- 53 The Superintendent of Police
Thiruvannamalai District

54 The District Collector
District Election Officer Tiruvarur District

55 The Superintendent of police
Tiruvarur District

56 The District Collector
District Election Officer Virudhunagar
District

57 The Superintendent of Police
Virudhunagar District

1 The State Election Commissioner
Tamil Nadu State Election commission
Inner Ring Road Jai Nagar Koyambedu
Chennai 600 106. ...Respondent in
WP.35887/2019

2 The District Collector
Collectorate Cuddalore.

3 The Superintendent of Police
Dist Superintendent Office Cuddalore District.

1 The State Election Commissioner
Tamil Nadu State Election commission
Inner Ring Road Jai Nagar Koyambedu
Chennai 600 106. ...Respondent in WP.35888/2019

2 The District Collector
Collectorate Cuddalore.

3 The Superintendent of Police
Dist Superintendent Office Cuddalore District.

1 The State Election Commissioner
Tamil Nadu State Election commission
Inner Ring Road Jai Nagar Koyambedu
Chennai 600 106. ...Respondent in WP.35891/2019

- 2 The District Collector
Collectorate Cuddalore.
- 3 The Superintendent of Police
Dist Superintendent Office Cuddalore District.

1. The Tamil Nadu State Election Commission
Rep by its Secretary No.
208/2 Jawaharlal Nehru Road Opp to CMBT
Arumbakkam Chennai 106
- 2 The Tamil Nadu State Election
Commissioner No. 208/2 Jawaharlal Nehru
Road Opp to CMBT Arumbakkam Chennai 106
- 3 The Director General of Police
Kamarajar Salai Chennai 4 ...Respondent in WP
35889/2019

WP No.35824 of 2019

Directing the Respondents to count the votes of one Panchayat out of 14 Panchayats at onetime for the Ward No. 19 of Salem District Panchayat, to declare the results of the said Panchayats and thereafter to start the counting of votes other Panchayats similarly and consequently direct the Respondents to permit a Committee of Persons including the Petitioner, the candidates for Panchayat Union Ward Members, Salem District, the candidates for the Village Panchayat President, the candidates for the Village Panchayat Ward Member, the election agent and the counting agents to be present for the opening of the ballot boxes, the counting of votes and declaration of results

WP No.35836 of 2019

directing the respondents to provide adequate police protection and video coverage for the election to be held on 30.12.2019 and counting date 2.1.2020 for ward No.2, chengam panchayat union, chengam, Thiruvannamalai District

WP No.35837 of 2019

Directing the Respondents to take all effective steps to strictly comply with the provisions in Part VI of Tamil Nadu Panchayats (Election) Rules, 1995 in the process of Counting of Votes for the current Rural Local Bodies Election as requested in the representation dt. 24.12.2019 and ensure free and fair election with adequate police protection and CCTV monitoring of entire process in accordance with law

WP No.35839 of 2019

directing the respondents to take all effective steps to strictly comply with the provisions in Chapter VI of Tamil Nadu Panchayats (Election) Rules, 1995 in the process of 'Counting of Votes' for the current Rural Local Bodies Election as requested in the representation dt.26.12.2019 and ensure free and fair elections with adequate police protection and CCTV monitoring of entire process in accordance with Law

WP No.35843 of 2019

directing the 1st respondent to install the CCTV Cameras and video coverage in the vote polling booths and vote counting booths in the Salem District by considering the petitioner representation dated 23.12.2019 by issuing any other nature of writ

WP No.35851 of 2019

directing the respondents No.2, to consider the representation of petition dated 16.12.2019 for installation of video cameras during polling and counting process in respect of North Boothinatha Village President Election at Udumalpet Taluk, Tiruppur District, and to ensure fair, free impartial, unbiased election

WP No.35859 of 2019

directing the respondents to take all effective steps to strictly comply with the provisions in Chapter VI of Tamil Nadu Panchayats (Election) Rules, 1995 in the process of Counting of Votes for the current Rural Local Bodies Election, as requested in the representation dated 26.12.2019 and ensure free and fair election with adequate police protection and CCTV monitoring of entire process in accordance with Law

WP No.35871 of 2019

Directing the Respondents to take all effective steps to strictly comply with the provisions in Chapter VI of Tamil Nadu Panchayats (Election) Rules, 1995 in the process of Counting of Votes for the current Rural Local Bodies Election as requested in the representations and ensure free and fair election with adequate police protection and CCTV monitoring of entire process in accordance with law

WP No.35872 of 2019

Directing the Respondents 1 and 2 to direct the Respondents 3 to 5 to provide the sufficient Police Protection and videograph the entire vote counting process and to permit the Petitioner and her respective representatives to witness the entire vote counting process which is scheduled to be held on 2.1.2020 at Karur Arts college, Thanthodri Malai, Karur Taluk and District

in so far as the election to the post of Panchayat President, Aandan Koil Pudur (east0 village karur.

WP No.35876 of 2019

Directing the Respondents 1 and 2 to direct the Respondents 3 to 6 to provide the sufficient Police Protection and videograph the entire vote counting process and to permit the Petitioner and her respective representatives to witness the entire vote counting process which is scheduled to be held on 2.1.2020 Government Higher Secondary school, Goundampalayam PULiyar, karur taluk and district in so far as the election to the post of Panchayat President, Mayanur village Karur district.

WP No.35877 of 2019

Directing the Respondents 1 and 2 to direct the Respondents 3 to 5 to provide the sufficient Police Protection and videograph the entire vote counting process and to permit the Petitioner and her respective representatives to witness the entire vote counting process which is scheduled to be held on 2.1.2020 at karur Panchayat Union office, Karur Taluk and District in so far as the Election to the Post of Panchayat President, Manmangalam village, karur District.

WP No.35881 of 2019

Directing the Respondents to take all effective steps to strictly comply with the provisions in Chapter VI of Tamil Nadu Panchayats (Election) Rules, 1995 in the process of Counting of Votes for the current Rural Local Bodies Election as requested in the representation dated 25.12.2019 and ensure free and fair election with adequate police protection and CCTV monitoring of entire process in accordance with law

WP No.35887 of 2019

Directing the respondent more particularly the 2nd respondent install CCTV cameras and video record the counting and also to telecast the same outside the counting hall to ensure transparency in the counting of votes to be carried out on 02/01/2010 in the Election to the post of union council Ward Member from 18th Ward of Anna Grama Union in Panrutti Taluk, in Cuddalore District.

WP No.35888 of 2019

Directing the respondent more particularly the 2nd respondent install CCTV cameras and video record the counting and also to telecast the same outside the counting hall to ensure transparency in the counting of votes to be carried out on 02/01/2020 in the Election to the post of Kallipattupanjayath president in the Panrutti Taluk in Cuddalore District.

WP No.35891 of 2019

Directing the respondent more particularly the 2nd respondent install CCTV cameras and video record the counting and also to telecast the same outside the counting hall to ensure transparency in the counting of votes to be carried out on 02/01/2020 in the Election to the post of Union Council Ward Member from 18th Ward of Anna Grama Union in the Panrutti Taluk, in Cuddalore District.

WP.No.35889 of 2019: directing the respondents to take all effective steps in strict compliance of the provisions in Chapter VI of Tamil Nadu Panchayats (Election) Rules 1995 in the process of Counting of Votes for the current Rural Local Bodies Election as requested in the representation by the opposition parties dated 24.12.2019 and ensure free and fair election with adequate police protection and CCTV monitoring of entire process in accordance with Law

For Petitioners: Mr.K.Selvaraj, Advocate
in WP.No.35824/2019
Mr.C.Prakasam Advocate in WP.No.35836/2019
Mr.M.R.Elango (SC) for Mr.R.Girirajan Advocate
in WP.No.35837/2019
M/s.R.Priyakumar Advocate in WP.35839/2019
M/s.C.Kanagaraj Advocate in WP.No.35843/2019
Mr.K.Mylsamy Advocate in WP.No.35851/2019
M/s.S.Deepika Advocate in WP.No.35859/2019
Mr.Stalin Abimanyu Advocate in WP.35871/2019
Mr.R.Prasanna Vinoth in WP.No 35872, 35876
& 35877/2019
Mr.S.Arunachalam for M/s.Arunachalam
Associates in WP.No.35881/2019
Mr.J.Kingsly solomon in WP.No.35887, 35888
& 35891/2019
Mr.S.K.Nawaz in WP.No.35889/2019

For Respondents: Mr.ARL.Sundaresan (SC)
Assisted by Mr.B.Nedunchezian
for R1 in WP.35824/2019
for R2 in WP.35836/2019
for R1 & R2 in WP.No.35837/2019
For R1 & R2 in WP.No.35839/2019
for R1 in WP.No.35843/2019
for R1 in WP.No.35851/2019
for R1 & R2 in WP.35859/2019
for R1 & R2 in WP.No.35871/2019
for R1 & R2 in WP.No.35872, 35876
35877/2019
for R1 & R2 in WP.No.35887/2019

for R1 in WP.No.35887,35888 & 35891/19
for R1 & R2 in WP.No.35889/2019
Mr.S.R.Rajagopal Additional Advocate
General Assisted by Mr.V.Jayaprakash
Narayanan Government Pleader &
Mr.V.Shanmugasundaram Spl GP for
R2 in WP.No.35824/2019
for R3 in WP.No.35837/2019
for R3 in WP.No.35839/2019
for R3 in WP.35881/2019
Mrs.Narmadha Sampath AAG, Assisted by
Mr.E.Balamurugan Spl GP for R3 & R4
in WP.No.35824 of 2019
for R1 to R3 in WP.No.35836 of 2019
for all other respondents in
WP.No.35837 of 2019
for R2 in WP.35843/2019
for R3 to R57 in WP.No.35871/2019
for R3 to R5 in WP.35872/19,35876/19
35877/2019
for R4 to R57 in WP.No.35887/2019
for R2 & R3 in WP.No.35887,35888,
35891/2019
for R3 in WP.No.35889/2019

COMMON ORDER

The State Election Commission/1st respondent has issued Notification, dated 7.12.2019 announcing Local Body Election 2019 in 27 Districts of Tamil Nadu for various posts in the respective local bodies. The polling was to take place in two phases, on 27.12.2019 and 30.12.2019.

2. As per the Notification, the counting of votes polled in respective booths has been scheduled to take place on 02.01.2020. The entire conduct of election is regulated by the Tamil Nadu Panchayats (Election) Rules, 1995 framed under the Tamil Nadu Panchayats Act, 1994.

3. These Writ Petitions have been filed by various petitioners uniformly raising certain apprehensions as to whether the counting which is going to take place on 02.01.2020 would meet the strict standards contemplated in 'Part-VI-(Counting of Votes)' of Tamil Nadu Panchayats (Election) Rules, 1995, particularly, with reference to Rules 60 to 69.

4. According to the petitioners, they have reasons to believe that there may not be fair counting in compliance with the Rules contained in Part-VI-(Counting of Votes') of Tamil

Nadu Panchayats (Election) Rules, 1995, as there is every likelihood of tampering of counting in order to achieve contrived results.

5. Leading the pack, Shri N.R.Elango, learned Senior Counsel would submit that the stakeholders in the election have a reasonable apprehension about the preparedness of the Government as well as the Election Commission towards full compliance with the requirements of the Rules which governed by the entire electoral process to the Local Bodies. Learned Senior Counsel would submit that the contestants have a legitimate apprehension whether the Election Commission has issued any instructions to the Government Officials who are put to in-charge of counting centres and sensitized them about the due procedure to be followed during the process of counting. He wondered whether any instructions have been issued at all to the Returning Officers and other officials who are entrusted with the task of over-seeing and counting the votes polled in the Local Body elections. Learned Senior Counsel, would submit that normally the Government Officials who are in-charge of the counting centres, have propensity to act in a partisan manner in favour of the Ruling Party and there is always a possibility of tampering with the counting in order to favour one party. Although elaborate procedure has been contemplated in the Rules in Part-VI, the learned Senior Counsel would point out that whether any system has been evolved and put in place in order to carry out the mandate of Election Rules so that the apprehension of tampering of counting can be dispelled and allayed. In substance, the learned Senior Counsel would submit that if the State Election Commission and the other high officials of the Government who are involved in the entire electoral process can re-assure the people and stakeholders in the election about due adherence to the mandatory provisions of the Election Rules, then the grievance of the petitioners would stand redressed as these writ petitioners are interested only in mandating the Officials who are involved in the counting process to strictly follow the Election Rules.

6. On the same lines, several learned counsels appearing for the respective writ petitioners have chipped in their points of view about adherence to the Election Rules by the State Election Commission and other officials deployed in the counting process. According to the learned counsels, their apprehension is founded on past experiences in the election matters in the State and therefore, they would implore this Court to issue necessary directions, particularly by issuing a Writ of Mandamus, directing the State Election Commission/1st respondent and other officials to comply with the provisions contained in Part-VI of the Tamil Nadu Panchayats (Election) Rules, 1995.

7. Resisting the prayer of the Writ Petitioners, Shri AR.L.Sunderasan, learned Senior Counsel appearing for the State Election Commission would make elaborate submissions stating that every single procedure contemplated in Part-VI of Tamil Nadu Panchayats (Election) Rules, 1995 is being followed. In fact, a detailed counter affidavit has been filed stating as to how the measures have been initiated by the State Election Commission in order to comply with the requirement of Election Rules. According to the learned Senior Counsel, a slew of instructions have been issued by the State Election Commission, directing the Officials concerned as to the procedure to be adopted while undertaking the process of counting. The learned Senior Counsel referred to four proceedings, dated 13.12.2019, 24.12.2019, 25.12.2019 and 26.12.2019 in by which, necessary instructions have been issued by the State Election Commission as to how the counting and other related aspects to be dealt with by the Officials concerned deputed for counting process.

8. A detailed counter affidavit has been filed in W.P.No.35824 of 2019 by the 3rd respondent. According to the learned Senior Counsel, though the counter affidavit has been in respect of one District in the said Writ Petition, yet it would demonstrate as to how the State Election Commission has taken steps to ensure due compliance to the requirement of the Rules. The learned Senior Counsel would also submit that in the counter affidavit, it is also stated that CCTVs would be installed in every Centre where the counting is to take place through proceedings dated 26.12.2019. According to the learned Senior Counsel, all the instructions/Circulars issued by the Election Commission if cumulatively read altogether would amply prove as to the measures initiated by the Commission in order to achieve due compliance to the requirements of the Election Rules in its letter and spirit.

9. More over, Shri AR.L.Sunderasan, learned Senior Counsel would submit that the apprehension expressed by the various litigants in the facts and circumstances of the case is unfounded and such apprehension is not supported by any materials. Such apprehension which is not supported by any unimpeachable proof, cannot be the basis for this Court to act and issue Writ of Mandamus. According to him, none of the affidavits filed in support of the Writ Petitions, have brought out any acceptable and worthwhile materials in support of their plea of apprehension. According to the learned Senior Counsel, every imagined or apprehended infraction exist only in the petitioners' skewed perception, contrary to reality. Therefore, he would submit that the Writ Petitions are misconceived and are not to be entertained at all.

10. At this, the learned Senior Counsel appearing for the Writ Petitions would submit that in fact one of the instructions issued by the State Election Commission itself dated 13.12.2019, there was a strong reference about the history of booth capturing and other mal-practices during election time and therefore, he would submit that the Commission itself noticed such incidents of mal-practices and therefore, their expression of apprehension cannot be brushed aside as being devoid of merit.

11. The learned Senior Counsel and other learned counsels appearing for the writ petitioners would with concerted voice, submit that the most important procedure to be followed in counting process is about installation of CCTVs/Closed Circuit Cameras which ought to be focussed on ballot papers to prevent any mischief being played by any of the stakeholders involved in the counting process.

12. At this, the learned Senior Counsel appearing for the State Election Commission/1st respondent would submit that the Commission has issued elaborate instructions, particularly, in proceedings dated 26.12.2019 about the installation of two Cameras in every counting centre and the Government Officials who are deployed in counting duty would ensure such installation in every counting centre without fail.

13. Although the installation of Cameras in every counting centre has been assured, yet the learned counsels appearing for the writ petitioners would object to a particular passage contained in the proceedings/Circular dated 26.12.2019, directing that the Cameras should not focus at ballot paper. According to the learned counsels, such prohibition of focus on ballot paper would give rise to a serious doubt in the minds of contestants and would strengthen the apprehension expressed by the petitioners about fair counting process.

14. In response to the objection, The learned Senior Counsel for the State Election Commission would fairly submit that the particular passage contained in the proceedings/Circular dated 26.12.2019 to the effect that 'the Cameras would not focus on ballot paper' would be withdrawn.

15. As a consequence of the undertaking given on behalf of the State Election Commission, it transpires that the Cameras installed are not prohibited from focussing at ballot papers and such focus is also essential to avoid any room for future complaints from any quarters. Ultimately, the counting process has to be fool-proof so that the objectives of the Election Rules are achieved.

16. Heard the submissions of the learned Senior Counsels/learned counsels representing the rival parties.

17. Upon consideration of the submissions, particularly, the assurances which are spelt out not only on behalf of the State Election Commission but also on behalf of the various other Government Officials, represented through the learned Addl. Advocates General, Mrs. Narmada Sampath and Mr. S. R. Rajagopal, this Court does not wish to delve into various issues raised in the individual Writ Petitions. Ultimately the concern of all the contestants in the election as well as the public at large is only that the players who are involved in the game of election shall stand by the Rules and are governed by the same. The common man's expectation in the process of democratic exercise, particularly, at the grass root level namely, Panchayat Elections that a deserving candidate is not deprived of his due election as Office Bearer by any manipulation by adopting any unscrupulous method. If complete transparency is ensured in entire electoral process barring secrecy of voting, there may not be any legitimate room for any complaints from any quarters or from stakeholders and such transparency truly advances the spirit of public administration and enhances the democratic credentials of the State.

18. The electoral process should not be allowed to be mired in needless controversies and such process is not to be defiled or stigmatized by any devious design to contrive the election results. Off late, manipulation and rigging the electoral process is gaining currency in the perception of the people. Therefore, it becomes all more imperative that compliance to the Election Rules is total and complete.

19. From the assurances meted out on behalf of the State Election Commission and other State Officials and also the fact that several instructions through proceedings/Circulars have been issued by the State Election Commission, instructing various officials deployed in the counting duty would unequivocally demonstrate that the respondents concerned have taken sufficient measures to ensure due compliance to the provisions of the Elections Rules, particularly, Rules 60 to 69 of Part-VI of Tamil Nadu Panchayats (Election) Rules, 1995. Therefore, as rightly contended by the learned Senior Counsel appearing for the Election Commission that a Writ of Mandamus need not be issued, since the apprehension about non-adherence to the Election Rules stands answered in the teeth of the recent measures initiated by the State Election Commission.

20. In the said circumstances, all these Writ Petitions are disposed of on being satisfied that the State Election Commission has initiated sufficient measures to have a fair and

transparent counting which is scheduled to take place on 02.01.2020. This Court trusts that all the Officials who are involved in the counting process shall scrupulously follow the instructions issued through proceedings/Circulars by the State Election Commission and also the provisions of Part-VI of Tamil Nadu Panchayats (Election) Rules, 1995. No costs. Consequently, all connected WMPs are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

Suk

To

- 1 THE STATE ELECTION COMMISSION
REP. BY ITS ELECTION COMMISSIONER INNER
RING ROAD JAI NAGAR KOYAMBEDU CHENNAI 600
106
- 2 THE DIRECTOR OF RURAL DEVELOPMENT AND PANCHAYAT RAJ PANAGAL MAALIGAI
4TH AND 5TH FLOOR ABDUL RAZZAK STREET
SAIDAPET CHENNAI 600 015
- 3 THE DISTRICT ELECTION OFFICER
THE DISTRICT COLLECTOR SALEM DISTRICT SALEM
- 4 THE RETURNING OFFICER
DISTRICT PANCHAYAT WARD NO. 19 SALEM
PANCHAYAT UNION SALEM DISTRICT SALEM
- 5 THE DISTRICT COLLECTOR
THIRUVANNAMALAI DISTRICT THIRUVANNAMALAI

- 6 THE ELECTION OFFICER
CHENGAM PANCHAYAT UNION WARD NO.2 CHENGAM
PANCHAYAT UNION CHENGAM THIRUVANNAMALAI
DISTRICT
- 7 THE INSPECTOR OF POLICE
CHENGAM POLICE STATION CHENGAM
THIRUVANNAMALAI DISTRICT
- 8 THE TAMIL NADU STATE ELECTION
COMMISSION REP. BY ITS SECRETARY NO. 208/2
JAWAHARLAL NEHRU ROAD OPP. TO CMBT
ARUMBAKKAM CHENNAI 600 106.
- 9 THE TAMIL NADU STATE ELECTION
COMMISSION REP. BY ITS SECRETARY NO. 208/2
JAWAHARLAL NEHRU ROAD OPP. TO CMBT
ARUMBAKKAM CHENNAI 600 106.
- 10 THE DIRECTOR GENERAL OF POLI
CE KAMARAJAR SALAI CHENNAI 600 004
- 11 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER SALEM DISTRICT
SALEM
- 12 THE SUPERINTENDENT OF POLICE
SALEM DISTRICT
- 13 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER ARIYALUR DISTRICT
- 14 THE SUPERINTENDENT OF POLICE
ARIYALUR DISTRICT
- 15 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER COIMBATORE
DISTRICT
- 16 THE SUPERINTENDENT OF OLICE
COIMBATORE DISTRICT
- 17 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER CUDDALORE DISTRICT
- 18 THE SUPERINTENDENT OF POLICE
CUDDALORE DISTRICT

- 19 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER DHARMAPURI
DISTRICT
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DHARMAPURI DISTRICT
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MADURAI DISTRICT
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DISTRICT ELECTION OFFICER NAGAPATTINAM
DISTRICT

- 34 THE SUPERINTENDENT OF POLICE
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- 61 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER TIRUVARUR DISTRICT
- 62 THE SUPERINTENDENT OF POLICE
TIRUVARUR DISTRICT
- 63 THE DISTRICT COLLECTOR
DISTRICT ELECTION OFFICER VIRUDHUNAGAR
DISTRICT
- 64 THE SUPERINDENTDENT OF POLICE
VIRUDHUNAGAR DISTRICT

65 THE DISTRICT COLLECTOR
COLLECTORATE CUDDALORE.

66. THE SUPERINTENDENT OF POLICE
ARIYALUR DISTRICT

67.The Chief electoral Officer
Rural Tamil Nadu State Election
Commission No.208/02 Jawaharlal Nehru Road
Opp CMBT Arumbakkam Chennai-106

68.The Assistant Returning officer
Ceraandan Koil Pudur Panchayat Karur
Constitutency Karur District Karur

69.The Returning officer
Mayanur Village Panchayat Krishnarayapuram
Panchayat Union Karur Districts

70.The Assistant Returning Office
Mayanur Village Panchayat
Krishnarayapuram Panchayat Union Karur
Karur District

71. The Assistant Returning officer
Manmangalam Panchayat
Karur Constitutency Karur District Karur

+1 cc to M/s.C.Kanagaraj Associates sr 106855
+1 cc to M/s.K.Selvaraj Advocate sr106854
+3 cc to M/s.J.Kingsly Soloman Advocate sr106862,106860
106861
+1 cc to M/s.S.Arunachalam Associates sr106850
+3 cc to M/s.R.Girirajan Advocate sr106885

+1cc to Mr.Stalin Abhimanyu, Advocate, S.R.No. 106887(31/12/19)

+1cc to Mr.B.Nedunchezhiyan, Advocate, Sr 106903 (31/12/2019)

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W.P.Nos.35824 of 2019, etc., batch

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