



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.05.2019

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.11959 of 2019
and
W.M.P.(MD)Nos.9145, 9155 and 9156 of 2019

K.K.Ramesh
Party-in-person

...Petitioner

Vs.

1.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi-110 001.

2.The Chief Election Officer (CEO)
Tamil Nadu, Fort. St.George, Secretariat,
Chennai-600 009.

3.The District Election Officer,
195, Thiruparangundram Assembly Constituency
and District Collector,
Madurai.

4.The Returning Officer,
195, Thiruparangundram Assembly Constituency,
Madurai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, directing respondents 1 and 2 to cancel or postpone the 195, Thiruparangundram assembly Constituency bye election to be held on 19.05.2019 due to heavy distributing of cash for vote and crores and crores of money spent by AIADMK, Amma Munnetra Kalagam and DMK by preparing false account statement produced before the Election Commission.

For Petitioner : Mr.K.K.Ramesh
Party-in-Person

For Respondents : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mrs.J.Padmavathy Devi
Special Government Pleader

**ORDER**

[Order of the Court was made by **M.DHANDAPANI, J.**]

The case of the petitioner is that there is newspaper report in all leading newspapers and T.V.Channels regarding the cash for vote and violation of Election Commission rules increasing day-by-day in 195, Thiruparangundram Assembly Constituency. The petitioner personally reported the matter to many political parties distributing cash for vote to people and the petitioner complained about it to flying squads and Election Control Room. No action has been taken by the Election Commission and flying squads till today. Both the Election Commission and flying squads are supporting the ruling party. Therefore, he has moved this Writ Petition for directing the respondent to cancel or postpone the 195 Thiruparangundram Assembly Constituency Bye Election to be held on 19.05.2019.

2.Though the petitioner may have a case on merits, we are unable to entertain this Writ Petition, because the election process has already commenced. Distributing of cash for vote can be a ground of challenge only in the Election O.P. Since, the election process has commenced, this Court cannot interfere. Therefore, leaving open all the petitioner's rights and by giving liberty to the petitioner to file an Election O.P., this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Vacation Officer

/ True Copy /

Sub Assistant Registrar(CS)

am

To

1.The Chief Election Commissioner,
Election Commission of India,
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Madurai.

+1 CC to M/s.K.K RAMESH, Advocate (SR-65790[F] dated 15/05/2019)
+1 CC to M/s.SPL GP (SR-66064[F] dated 16/05/2019)

W.P. (MD) No.11959 of 2019
and
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ES/11.06.2019/3P/7C