



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

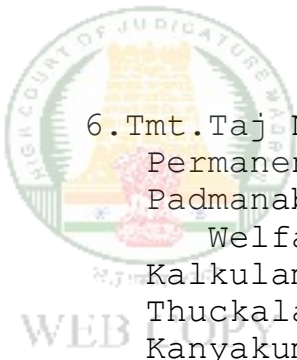
W.P. (MD) No.12301 of 2019

S.M.Anthony Muthu,
District Secretary,
CPI (ML) Liberation,
No.1, Central Lodge,
Colachel,
Kanyakumari District.

... Petitioner

Vs.

- 1.The Chief Election Commissioner of India,
Nirvachan Sadan,
Ashoka Road,
New Delhi - 110 001.
- 2.The Chief Election Commissioner of Tamil Nadu,
Jawaharlal Nehru Salai,
Jai Nagar,
Koyambedu,
Chennai - 600 106.
- 3.The District Election Officer-cum-District Collector,
Kanyakumari District,
Nagercoil.
- 4.Mr.Raja Singh,
The Thasildar, Kalkulam Taluk-cum-
Assistant Election Officer,
Colachel Assembly Segment,
Thuckalay & Post,
Kanyakumari District.
- 5.Mr.Rajesh,
Election Clerk,
Colachel Assembly Segment,
Kalkulam Taluk,
Thuckalay & Post,
Kanyakumari District.



6. Tmt. Taj Nisha,
Permanent Supervise Election Committee Officer,
Padmanabhapuram Segment-cum-Adi Dravidar
Welfare Special Tahsildar,
Kalkulam Taluk,
Thuckalay & Post,
Kanyakumari District.

7. Mr. Y. Kumaradoss,
Flying Squad Officer,
Padmanabhapuram Segment-cum-
Ceylon Refugees Rehabilitation Officer,
Thuckalay & Post,
Kanyakumari District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the respondents 4 to 7 based on the representation of the petitioner, dated 25.04.2019 and 09.05.2019.

For Petitioner

: Mr. C. T. Perumal

For 3rd Respondent

: Mrs. S. Srimathy
Special Government Pleader

O R D E R

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

The petitioner has filed this Writ Petition as a *pro bona publico* for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the respondents 4 to 7 based upon the representation of the petitioner, dated 25.04.2019 and 09.05.2019.

2. In the representations, the petitioner has stated that respondents 4 to 7 had indulged in several corrupt practises and misappropriation of funds. The petitioner wants appropriate action to be taken against the said officials for misappropriation of election funds when they were on election duty in Thuckalay, Kanyakumari Parliamentary Constituency in Tamil Nadu.

3. Considering the nature of the complaint and the grievance of the petitioner, it is appropriate for the authorities to take action to consider the representations of the petitioner and to take appropriate action based on enquiry. In the said circumstances, without expressing any opinion on the merits of the averments made in the representations of the petitioner, dated 25.04.2019 and 09.05.2019, the second respondent is directed to consider the representations of the petitioner and hold an enquiry and submit a report within 12 weeks from the date of receipt of a copy of this



order. The enquiry shall be conducted after giving adequate opportunity to the respondents 4 to 7 and the petitioner himself. Based on the enquiry, the second respondent is directed to submit his report and recommendations. Based on the report, the first respondent is directed to take appropriate action on merits and in accordance with law.

4.This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (V.O)

// True Copy //

Sub Assistant Registrar(CS)

Sj

To

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

2.The Chief Electoral Officer of Tamil Nadu,
Jawaharlal Nehru Salai,
Jai Nagar,
Koyambedu,
Chennai - 600 106.

3.The District Election Officer-cum-District Collector,
Kanyakumari District,
Nagercoil.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-66150[F] dated 22/05/2019)

+1 CC to SPL GP (SR-66285[F] dated 24/05/2019)

W.P. (MD) No.12301 of 2019
22.05.2019

CS: (31/05/2019) 3P 6C